

DISTRICT OF COLUMBIA ***OFFICIAL CODE***

2001 EDITION

VOLUME 22

Title 48
Food and Drugs

to

Title 51
Social Security

JUNE 2014 CUMULATIVE SUPPLEMENT



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*

PREFACE

These annual cumulative pocket parts update the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. These pocket parts contain the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of April 1, 2014.

This Supplement also updates the D.C. Code annotations by including notes taken from District of Columbia cases appearing in the following sources: Atlantic Reporter, 3d Series Supreme Court Reporter Federal Reporter, 3d Series Federal Supplement, 2d Series Bankruptcy Reporter.

Current legislation between pamphlets or pocket parts can be accessed online at www.lexisnexis.com/advance, www.lexisnexis.com/research, and <http://dcclims1.dccouncil.us/lims>.

The unannotated District of Columbia Official Code can be accessed on the District of Columbia Council Website at <http://www.dccouncil.us>.

Later laws and annotations will be cumulated in subsequent annual Pocket Parts.

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LEXISNEXIS

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SUBTITLE I. FOOD.

CHAPTER 1. ADULTERATION.

Sec.

48-109. Prosecutions; violations.

§ 48-109. Prosecutions; violations.

(a) Whenever the Mayor has reason to believe that there has been a violation of this chapter or the rules promulgated pursuant to this chapter, the Mayor shall give written notice of the alleged violation to the licensee, person in charge, or employee. The notice shall state the nature of the violation and shall allow a reasonable time for the performance of the necessary corrective measures. Failure to comply shall result in penalties as set forth in subsection (b) of this section.

(b) A person who violates any of the provisions of this chapter, or the rules promulgated pursuant to this chapter, shall be liable for a civil penalty in an amount not to exceed \$10,000 for each violation. Each day of a violation shall constitute a separate offense and the penalties prescribed shall apply separately to each offense.

(c) Any person who knowingly violates any of the provisions of this chapter, or the rules promulgated pursuant to this chapter, shall be punished by a fine not more than the amount set forth in § 22-3571, or imprisonment not to exceed one year, or both. Each day of a violation shall constitute a separate

offense and the penalties prescribed shall apply separately to each offense. Prosecutions for violations of this subsection shall be brought in the Superior Court of the District of Columbia by the Corporation Counsel for the District of Columbia.

(d) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules issued under the authority of this chapter, pursuant to Chapter 18 of Title 2.

(e) Any person who contests a final order of the Mayor issued pursuant to this chapter, after exhaustion of all administrative remedies, is entitled to judicial review of the final order upon filing a written petition for review in the District of Columbia Court of Appeals.

(Feb. 17, 1898, 30 Stat. 248, ch. 25, § 9; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Oct. 5, 1985, D.C. Law 6-42, § 476, 32 DCR 4450; May 2, 2002, D.C. Law 14-116, § 2(h), 49 DCR 1945; June 11, 2013, D.C. Law 19-317, § 251, 60 DCR 2064.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not to exceed \$10,000” in (c).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 251 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality

Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

SUBTITLE II. PRESCRIPTION DRUGS.

CHAPTER 7. DRUG MANUFACTURE AND DISTRIBUTION LICENSURE.

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48-711. Criminal action.

§ 48-711. Criminal action.

A person who willfully violates § 48-702(1) is guilty of a misdemeanor, and, upon conviction, shall be fined not more than \$5,000 for the first offense or \$10,000 for the second or subsequent offense, imprisoned for not more than one year, or both. Each day that a violation continues is a separate violation under this chapter. The fines set forth in this section shall not be limited by § 22-3571.01.

(June 13, 1990, D.C. Law 8-137, § 12, 37 DCR 2631; June 11, 2013, D.C. Law 19-317, § 113(g), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 added the last sentence.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 113(g) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in

Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 8A. AFFORDABILITY OF PRESCRIPTION DRUGS — ACCESSRx PROGRAM.

Subchapter II. Transparent Business Practices Among Pharmacy Benefits Managers

Sec.

48-832.01. Fiduciary duty.

Subchapter II. Transparent Business Practices Among Pharmacy Benefits Managers.

§ 48-832.01. Fiduciary duty.

(a) A pharmacy benefits manager owes a fiduciary duty to a covered entity and shall discharge that duty in accordance with all applicable laws. In performance of that duty, a pharmacy benefits manager shall adhere to the practices set forth in this section.

(b)(1) A pharmacy benefits manager shall:

(A) Perform its duties with care, skill, prudence, and diligence and in accordance with the standards of conduct applicable to a fiduciary in an enterprise of a like character and with like aims; and

(B) Repealed.

(C) Notify the covered entity in writing of any activity, policy or practice of the pharmacy benefits manager that directly or indirectly presents any conflict of interest with the duties imposed by this subchapter; and

(2) A pharmacy benefits manager that receives from any drug manufacturer or labeler any payment or benefit of any kind in connection with the utilization of prescription drugs by covered individuals, including payments or benefits based on volume of sales or market share, shall pass that payment or benefit on in full to the covered entity. This provision does not prohibit the covered entity from agreeing by contract to compensate the pharmacy benefits manager by returning a portion of the benefit or payment to the pharmacy benefits manager.

(c)(1) Upon request by a covered entity, a pharmacy benefits manager retained by that covered entity shall:

(A) Provide information showing the quantity of drugs purchased by the covered entity and the net cost to the covered entity for the drugs. This information shall include all rebates, discounts, and other similar payments. If requested by the covered entity, the pharmacy benefits manager shall provide such quantity and net cost information on a drug-by-drug basis by National Drug Code registration number rather than on an aggregated basis; and

(B) Disclose to the covered entity all financial terms and arrangements for remuneration of any kind that apply between the pharmacy benefits manager and any prescription drug manufacturer or labeler, including, without limitation, formulary management and drug-substitution programs, educational support, claims processing, and data sales fees.

(2) A pharmacy benefits manager providing information to a covered entity under this section may designate that information as confidential. Information designated as confidential may not be disclosed by the covered entity to any other person or entity without the consent of the pharmacy benefits manager, unless ordered by a court of the District for good cause shown.

(d) The following provisions apply to the dispensation of a substitute prescription drug for a prescribed drug to a covered individual:

(1) Repealed.

(2) If the substitute drug costs more than the prescribed drug, the pharmacy benefits manager shall disclose to the covered entity the cost of both drugs and any benefit or payment directly or indirectly accruing to the pharmacy benefits manager as a result of the substitution.

(3) The pharmacy benefits manager shall transfer in full to the covered entity any benefit or payment received in any form by the pharmacy benefits manager as a result of a prescription drug substitution under paragraph (2) of this subsection.

(May 18, 2004, D.C. Law 15-164, § 201, 51 DCR 3688; Mar. 2, 2007, D.C. Law 16-192, § 5062(c), 53 DCR 6899; Sept. 26, 2012, D.C. Law 19-171, § 137, 59 DCR 6190.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted “paragraph (2)” for “paragraphs (1) or (2)” in (d)(3).

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned

Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

CHAPTER 8G. PRESCRIPTION DRUG MONITORING.

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48-853.01. Definitions.	48-853.05. Confidentiality of data; disclosure of information; discretionary authority of the Director.
48-853.02. Program establishment; Director’s authority.	48-853.06. Interoperability; information exchange with other prescription drug monitoring programs.
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Sec. 48-853.07. Criteria for indicators of misuse; Director's authority to disclose in- formation; intervention.	Sec. 48-853.09. Unlawful disclosure of information and acts; disciplinary action au- thorized; penalties.
48-853.08. Immunity from liability.	48-853.10. Rules.

§ 48-853.01. Definitions.

For the purposes of this chapter, the term:

(1) "Administer" shall have the same meaning as provided in § 48-901.02(1).

(2) "Controlled substance" shall have the same meaning as provided in § 48-901.02(4).

(3) "Controlled Substances Act" means Unit A of Chapter 9 of this title [§ 48-901.01 et seq.].

(4) "Covered substance" means all controlled substances included in the schedules set forth in §§ 48-902.06, 48-902.08, 48-902.10, and 48-902.12, in schedules II through V of section 202(c) of Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970, approved October 27, 1970 (84 Stat. 1247; 21 U.S.C. § 812), and any other drug, as specified by rulemaking, that is required to be reported to the Prescription Drug Monitoring Program pursuant to this chapter.

(5) "Department" means the Department of Health.

(6) "Director" means the Director of the Department of Health.

(7) "Dispense" shall have the same meaning as provided in § 48-901.02(7).

(8) "Dispenser" means a practitioner who dispenses a covered substance to the ultimate user, or his or her agent, but shall not include:

(A) A licensed hospital or institutional facility pharmacy that distributes covered substances for the purpose of inpatient hospital care or the dispensing of prescriptions for controlled substances at the time of discharge from such a facility;

(B) A practitioner or other authorized person who administers a covered substance;

(C) A wholesale distributor of a covered substance; or

(D) A clinical researcher providing a covered substance to research subjects as part of a research study approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protections programs.

(9) "Drug" means:

(A) Any substance recognized as a drug, medicine, or medicinal chemical in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, or official Veterinary Medicine Compendium or other official drug compendium or any supplement to any of them;

(B) Any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal;

(C) Any chemical substance, other than food, intended to affect the structure or any function of the body of man or other animal; and

(D) Any substance intended for use as a component of any items

specified in subparagraph (A), (B), or (C) of this paragraph, but does not include medical devices or their components, parts, or accessories.

(10) “Health occupations board” means a board that, pursuant to § 3-1204.08, licenses and regulates health professionals with the authority to prescribe or dispense covered substances.

(11) “Interoperability” means, with respect to a District of Columbia or state prescription drug monitoring program, the ability of that program to share electronically reported prescription information with another state, district, or territory of the United States’ prescription drug monitoring program or a third party, approved by the Director, that operates interstate prescription drug monitoring exchanges.

(12) “Patient” means the person or animal who is the ultimate user of a controlled substance or other drug required to be submitted under this chapter for whom a lawful prescription is issued or for whom a controlled substance or such other drug is lawfully dispensed.

(13) “Practitioner” shall have the same meaning as provided in § 48-901.02(20).

(14) “Prescriber” means a practitioner or other authorized person who prescribes a controlled substance or other covered substance in the course of his or her professional practice.

(15) “Prescription drug monitoring program” means a program that collects, manages, analyzes, and provides information regarding covered substances or other drugs required to be submitted under this chapter or a program established by a similar act in another state, district, or territory of the United States.

(16) “Program” means the Prescription Drug Monitoring Program established by § 48-853.02.

(17) “Ultimate user” shall have the same meaning as provided in § 48-901.02(23).

(Feb. 22, 2014, D.C. Law 20-66, § 2, 61 DCR 7.)

Legislative history of Law 20-66. — Law 20-66, the “Prescription Drug Monitoring Program Act of 2013,” was introduced in Council and assigned Bill No. 20-127. The Bill was adopted on first and second readings on Novem-

ber 5, 2013, and December 3, 2013, respectively. Signed by the Mayor on December 20, 2013, it was assigned Act No. 20-232 and transmitted to Congress for its review. D.C. Law 20-66 became effective on February 22, 2014.

§ 48-853.02. Program establishment; Director’s authority.

(a) There is established the Prescription Drug Monitoring Program within the Department. The Program shall:

(1) Establish, maintain, and administer an electronic system to monitor the dispensing of covered substances;

(2) Provide dispensers with a basic file layout to enable electronic transmission of the information required under this chapter; and

(3) Establish and maintain a process for verifying the credentials of and authorizing the use of prescription information by those individuals and agencies listed in § 48-853.05(b) and (c).

(b) The Director may contract with another District agency or a private

vendor as may be necessary for the implementation and maintenance of the Program. Any such contractor shall be bound to comply with the provisions regarding confidentiality of data in this chapter and shall be subject to the penalties specified in this chapter.

(c) The Director shall also establish a multi-discipline advisory committee, which shall function under the Department to assist in the implementation and evaluation of the Program.

(Feb. 22, 2014, D.C. Law 20-66, § 3, 61 DCR 7.)

Section references. — This section is referenced in § 48-853.01.

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.03. Reporting requirements; exceptions.

(a)(1) Each dispenser shall submit to the Program the required reporting information for each prescription dispensed for a covered substance within 24 hours after the covered substance is dispensed, unless otherwise established by the Director through rulemaking, but this does not include merely placing the covered substance prescription into a bin for pickup by the ultimate user or his or her agent.

(2) Any dispenser located outside the boundaries of the District that is licensed or registered by the District, shall submit the required reporting information to the Program for each prescription dispensed for a covered substance to an ultimate user who resides within the District within 24 hours after the date that the covered substance is dispensed, unless otherwise established by the Director through rulemaking.

(b) The failure of any person subject to the reporting requirements of this chapter to report the dispensing of a covered substance, unless otherwise exempted under this chapter, or the willful failure to transmit accurate information shall constitute grounds for:

(1) The revocation, suspension, or denial of a District controlled substances registration;

(2) Disciplinary action by the relevant health occupations board pursuant to § 3-1205.14(c); and

(3) The imposition of civil fines pursuant to § 2-1801.04.

(c) Upon dispensing a covered substance, the dispenser of the covered substance shall report the following information to the Program:

(1) Patient name;

(2) Patient address;

(3) Patient date of birth;

(4) Patient gender;

(5) Dispenser identification number;

(6) Prescriber identification number;

(7) Date prescription was issued by prescriber;

(8) Date prescription was dispensed;

(9) Prescription number;

(10) Prescription type, whether the prescription is new or is a refill;

(11) National Drug Code for the drug dispensed;

- (12) Quantity dispensed;
- (13) Number of days' supply dispensed;
- (14) Number of refills ordered;
- (15) Source of payment for the prescription; and
- (16) Any other required information as specified in the regulations promulgated by the Director to implement this chapter, or as required for the Program to be eligible to receive federal funds.

(d) Each dispenser shall transmit the required reporting information in accordance with the manner, format, standards, and schedules established by the Director through rulemaking.

(e) The reporting requirements of this chapter shall not apply to the dispensing of covered substances when the dispensing is limited to the following:

- (1) Administering covered substances;
- (2) Dispensing covered substances within an appropriately licensed narcotic maintenance program;
- (3) Dispensing covered substances to inpatients in hospitals or nursing facilities licensed by the Department or facilities that are otherwise authorized by law to operate as hospitals or nursing homes in the District;
- (4) Dispensing covered substances to inpatients in hospices licensed by the Department; or
- (5) Dispensing covered substances as otherwise provided in the Department's regulations.

(Feb. 22, 2014, D.C. Law 20-66, § 4, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.04. Authority to access database.

A prescriber or dispenser authorized to access the information in the possession of the Program pursuant to this chapter may delegate, pursuant to regulations promulgated by the Director to implement the provisions of this section, such authority to up to 2 health care professionals who are:

- (1) Licensed, registered, or certified by a health occupations board; and
- (2) Employed at the same facility and under the direct supervision of the prescriber or dispenser.

(Feb. 22, 2014, D.C. Law 20-66, § 5, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.05. Confidentiality of data; disclosure of information; discretionary authority of the Director.

(a) All data, records, and reports relating to the prescribing and dispensing of covered substances to patients and any abstracts from such data, records, and reports that are in the possession of the Program pursuant to this chapter

and any materials relating to the operation or safety of the Program shall be confidential and shall be exempt from disclosure based on requests made pursuant to subchapter II of Chapter 5 of Title 2 [§ 2-531 et seq.]. Information obtained pursuant to the Program may only be disclosed as provided in this chapter.

(b) Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable District and federal laws and regulations, the Director shall disclose information relevant to:

(1) A specific investigation of a specific patient or of a specific dispenser or prescriber to an agent designated by the Chief of the Metropolitan Police Department to conduct drug diversion investigations;

(2) An investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health occupations board or the Department;

(3) A disciplinary proceeding before a health occupations board or in any subsequent hearing, trial, or appeal of an action or board order to designated employees of the Department;

(4) The proceedings of any grand jury or additional grand jury that has been properly impaneled in accordance with § 11-1916; and

(5) A specific investigation of a specific dispenser or specific prescriber to an agent of the United States Drug Enforcement Administration with authority to conduct drug diversion investigations.

(c)(1) In accordance with the Department's regulations and applicable federal law and regulations, the Director may, at the Director's discretion, disclose:

(A) Information in the possession of the Program concerning a patient who is over the age of 18 years to that patient, or to the parent or legal guardian of a child aged 18 years or under, unless otherwise prohibited by District or federal law;

(B) Information on a specific patient to a prescriber for the purpose of establishing the treatment history of the specific patient when the patient is either under care and treatment by the prescriber or the prescriber is initiating treatment of the patient;

(C) Information on a specific patient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription when the patient is seeking a covered substance from the dispenser or the facility in which the dispenser practices;

(D) Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting, or denying licenses, certificates, or registrations to practice a health profession when the regulatory authority licenses the dispenser or prescriber, or the dispenser or prescriber is seeking licensure by a regulatory authority;

(E) Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the District Medicaid program, DC Health Care Alliance, or any other public health care program; information relating to an investigation relating to a specific patient who is

currently eligible for and receiving, or who has been eligible for and has received medical assistance services; information relevant to the Medicaid Fraud Control Unit of the Office of the Inspector General, or to designated employees of the Department of Health Care Finance, as appropriate;

(F) Information relevant to the determination of the cause of death of a specific patient to the designated employees of the Office of the Chief Medical Examiner; and

(G) Information for the purpose of bona fide research or education to qualified personnel; provided, that:

(i) Data elements that would reasonably identify a specific patient, prescriber, or dispenser shall be deleted or redacted from the information before disclosure; and

(ii) Release of the information shall only be made pursuant to a written agreement between qualified personnel and the Director to ensure compliance with this chapter.

(2) For the purposes of a disclosure under paragraph (1)(B) or (C) of this subsection:

(A) The request shall be made and the information shall be provided in the manner specified by the Director through rulemaking; and

(B) Notice shall be given to patients that the information described in paragraph (1)(B) or (C) of this subsection, as applicable, may be requested by a prescriber or dispenser participating with the Program.

(d) Confidential information that has been received, maintained, or developed by a health occupations board or disclosed by the health occupations board pursuant to this chapter shall not be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services; provided, that this section shall not be construed to inhibit any investigation or prosecution conducted pursuant to this chapter.

(Feb. 22, 2014, D.C. Law 20-66, § 6, 61 DCR 7.)

Section references. — This section is referenced in § 48-853.02.

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.06. Interoperability; information exchange with other prescription drug monitoring programs.

(a) The Director may enter into written agreements with other prescription drug monitoring programs, or a third party, approved by the Director, that operates an interstate prescription drug monitoring exchange, for the purpose of interoperability and the mutual exchange of information among prescription drug monitoring programs, and describing the terms and conditions for the sharing of prescription information under this section.

(b) The Director may provide prescription monitoring information pursuant to such agreements, which shall only use the information for the purposes allowed by this chapter.

(c) The Director may request and receive prescription drug monitoring

information from other states' prescription drug monitoring programs and may use the information under the provisions of this chapter.

(Feb. 22, 2014, D.C. Law 20-66, § 7, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.07. Criteria for indicators of misuse; Director's authority to disclose information; intervention.

(a) The Director may establish through rulemaking:

(1) Criteria for indicators of misuse; and

(2) A method for analysis of data collected by the Program using the criteria for indicators of misuse.

(b) Upon the development of the criteria and data analysis, the Director may, in addition to the discretionary disclosure of information pursuant to this chapter, disclose information using the criteria that indicates potential misuse by recipients of covered substances to their specific prescribers for the purpose of intervention to prevent such misuse.

(Feb. 22, 2014, D.C. Law 20-66, § 8, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.08. Immunity from liability.

(a) The Director and the employees of the Department shall not be liable for any civil damages resulting from the accuracy or inaccuracy of any information reported, compiled, or maintained by the Program pursuant to this chapter.

(b) The Director and the employees of the Department shall not be liable for any civil damages resulting from the disclosure of or failure to disclose any information in compliance with this chapter and the Department's regulations.

(c) In the absence of gross negligence or willful misconduct, prescribers or dispensers complying in good faith with the reporting requirements of this chapter shall not be liable for any civil damages for any act or omission resulting from the submission of such required reports.

(Feb. 22, 2014, D.C. Law 20-66, § 9, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.09. Unlawful disclosure of information and acts; disciplinary action authorized; penalties.

(a) It shall be unlawful for any person having access to the confidential information in possession of the Program or any data or reports produced by the Program to disclose the confidential information except as provided in this

chapter. Any person who discloses this confidential information in violation of the provisions of this chapter shall be guilty of a misdemeanor upon conviction.

(b) It shall be unlawful for any person who lawfully receives confidential information from the Program to redisclose or use the confidential information in any way other than the authorized purpose for which the request was made. Any person who discloses confidential information in violation of this chapter shall be guilty of a misdemeanor upon conviction.

(c) Nothing in this section shall prohibit a person who prescribes or dispenses a covered substance required to be reported to the program from redisclosing information obtained from the Program to another prescriber or dispenser who has prescribed or dispensed a covered substance to the same patient.

(d) Unauthorized use or disclosure of confidential information received from the Program shall also be grounds for disciplinary action by the relevant health occupations board.

(Feb. 22, 2014, D.C. Law 20-66, § 10, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

§ 48-853.10. Rules.

The Director, pursuant subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall issue rules to implement the provisions of this chapter, including the establishment of criteria for granting waivers to the reporting requirements set forth in this chapter.

(Feb. 22, 2014, D.C. Law 20-66, § 11, 61 DCR 7.)

Legislative history of Law 20-66. — See note to § 48-853.01.

SUBTITLE III. ILLEGAL DRUGS.

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48-902.10. Schedule IV enumerated.	48-904.08. Second or subsequent offenses.
	48-904.10. Possession of drug paraphernalia.
<i>Subchapter IV. Offenses and Penalties</i>	<i>Subchapter V. Enforcement and Administrative Provisions</i>
48-904.01. Prohibited acts A; penalties.	48-905.02. Forfeitures.

*Subchapter VII. Drug Interdiction and
Demand Reduction Fund*

Sec.

48-907.02. Funding and disbursements. [Repealed].

UNIT B. GENERAL

*Subchapter I. Searches Involving Controlled
Substances*

48-921.02. Search warrants; issuance, execu-

tion and return; property inventory; filing of proceedings; interference with service.

Unit A. Controlled Substances Act.

Subchapter II. Standards and Schedules.

§ 48-902.01. Administration.

(a) The Mayor shall administer this chapter and, with provision for public notice and comment, may add substances to or delete or reschedule all substances enumerated in the schedules in § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10 or § 48-902.12 pursuant to subchapter I of Chapter 5 of Title 2 and pursuant to the procedures set forth in this chapter. In making a determination regarding a substance, the Mayor shall consider the following:

- (1) The actual or relative potential for abuse;
- (2) The scientific evidence of its pharmacological effect, if known;
- (3) The state of current scientific knowledge regarding the substance;
- (4) The history and current pattern of abuse;
- (5) The scope, duration, and significance of abuse;
- (6) The risk to the public health;
- (7) The potential of the substance to produce psychological or physiological dependence; and
- (8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.

(b) After considering the factors enumerated in subsection (a) of this section and after complying with subchapter I of Chapter 5 of Title 2, the Mayor shall make findings with respect to the factors and issue a rule either controlling the substance if the Mayor finds that the substance has a potential for abuse or deleting the substance if the Mayor finds that the substance does not have a potential for abuse.

(c) If the Mayor designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law, the Mayor may similarly designate, reschedule, or delete the controlled substance under this unit, or may otherwise designate, reschedule or delete as a controlled substance pursuant to subsections (a) and (b) of this section.

(e) Authority to control under this section does not extend to tobacco or to distilled spirits, wine, or malt beverages, as those terms are defined or used in § 25-103.

(Aug. 5, 1981, D.C. Law 4-29, § 201, 28 DCR 3081; Aug. 1, 1985, D.C. Law 6-15, § 5, 32 DCR 3570; July 24, 1998, D.C. Law 12-136, § 2(a), 45 DCR 2942; June 19, 2013, D.C. Law 19-320, § 301(a), 60 DCR 3390.)

Section references. — This section is referenced in § 22-2603.01, § 48-901.02, § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10, and § 48-902.12.

Effect of amendments. — The 2013 amendment by D.C. Law 19-320, in (d), substituted “the Mayor may similarly designate, reschedule, or delete the controlled substance” for “the Mayor may similarly propose to control or delete the substance” and added “or may otherwise designate, reschedule or delete as a controlled substance”.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 301(a) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of (d), see § 301(a) of the Omnibus Criminal Code Amendments Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — Law 19-320, the “Omnibus Criminal Code Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-645. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Feb. 11, 2013, it was assigned Act No. 19-677 and transmitted to Congress for its review. D.C. Law 19-320 became effective on June 19, 2013.

§ 48-902.04. Schedule I enumerated.

The controlled substances listed in this section are included in Schedule I, unless and until removed therefrom pursuant to § 48-902.01:

(1) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (A) Acetylmethadol;
- (B) Allylprodine;
- (C) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alphaacetylmethadol, levomethadyl, acetate, or LAAM);
- (D) Alphameprodine;
- (E) Alphamethadol;
- (F) Benzethidine;
- (G) Betacetylmethadol;
- (H) Betameprodine;
- (I) Betamethadol;
- (J) Betaprodine;
- (K) Clonitazene;
- (L) Dextromoramide;
- (M) Diampromide;
- (N) Diethylthiambutene;
- (O) Difenoxin;
- (P) Dimenoxadol;
- (Q) Dimepheptanol;
- (R) Dimethylthiambutene;
- (S) Dioxaphetylbutyrate;
- (T) Dipipanone;
- (U) Ethylmethylthiambutene;

(V) Etonitazene;
(W) Etoxeridine;
(X) Furethidine;
(Y) Hydroxypethidine;
(Z) Ketobemidone;
(AA) Levomoramide;
(BB) Levophenacylmorphane;
(CC) Morpheridine;
(DD) Noracymethadol;
(EE) Norlevorphanol;
(FF) Normethadone;
(GG) Norpipanone;
(HH) Phenadoxone;
(II) Phenampromide;
(JJ) Phenomorphan;
(KK) Phenoperidine;
(LL) Piritramide;
(MM) Proheptazine;
(NN) Properidine;
(OO) Propiram;
(PP) Racemoramide;
(QQ) Thiophene;
(RR) Trimeperidine;
(SS) Acetyl-Alpha-Methylfentanyl;
(TT) Alphe-methylfentanyl;
(UU) Alpha-Methylthiofentanyl;
(VV) Beta-hydroxyfentanyl;
(WW) Beta-hydroxy-3-Methylfentanyl;
(XX) 3-Methylfentanyl;
(YY) 3-Methylthiofentanyl;
(ZZ) MPPP;
(AAA) Para-fluorofentanyl;
(BBB) PEPAP;
(CCC) Thiofentanyl; and
(DDD) Tilidine;

(2) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Acetorphine;
(B) Acetyldihydrocodeine;
(C) Benzylmorphine;
(D) Codeine methylbromide;
(E) Codeine-N-Oxide;
(F) Cyprenorphine;
(G) Desomorphine;
(H) Dihydromorphine;

- (I) Drotepanol;
- (J) Etorphine (except hydrochloride salt);
- (K) Diacetylated morphine (heroin);
- (L) Hydromorphenol;
- (M) Methyldesorphine;
- (N) Methyldihydromorphine;
- (O) Morphine methylbromide;
- (P) Morphine methylsulfonate;
- (Q) Morphine-N-Oxide;
- (R) Myrophine;
- (S) Nicocodeine;
- (T) Nicomorphine;
- (U) Normorphine;
- (V) Pholcodine; and
- (W) Thebacon;

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, its salts, isomers and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term “isomer” includes the optical, position, and geometric isomers):

- (A) 4-bromo-2, 5-dimethoxyamphetamine;
- (B) 2, 5 dimethoxyamphetamine;
- (C) 4-methoxyamphetamine;
- (D) 5-methoxy-3, 4-methylenedioxy amphetamine;
- (E) 4-methyl-2,5-dimethoxyamphetamine;
- (F) 3,4-methylenedioxyamphetamine [MDA];
- (G) 3, 4, 5-trimethoxy amphetamine;
- (H) Bufotenine;
- (I) Diethyltryptamine;
- (J) Dimethyltryptamine;
- (K) Ethylamide analog of phencyclidine, PCE;
- (L) Ibogaine;
- (M) Lysergic acid diethylamide;
- (N) Mescaline;
- (O) Peyote;
- (P) N-ethyl-3-piperidyl benzilate;
- (Q) N-methyl-3-piperidyl benzilate;
- (R) Psilocybin;
- (S) Psilocyn;
- (T) Pyrrolidine analog of phencyclidine, PCPY;
- (U) Thiophene analog of phencyclidine;
- (V) Repealed;
- (W) Parahexyl;
- (X) 4-bromo-2,5-dimethoxyphenethylamine;
- (Y) 3,4-methylenedioxymethamphetamine [MDMA];
- (Z) Alpha-methyltryptamine (other name: AMT);

(AA) 5-methoxy-N,N-diisopropyltryptamine (other name: 5- MeO-DIPT);

(BB) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

(CC) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(DD) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(EE) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(FF) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(GG) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(HH) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(II) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(JJ) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and

(KK) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, or mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Mecloqualone;

(B) Methaqualone; and

(C) Gamma-hydroxybutyric acid (some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their analogues or derivatives and its salts, isomers, and salts of isomers:

(A) Fenethyline;

(B) N-ethylamphetamine;

(C) Cathinone;

(D) N-Benzylpiperazine (some other names: BZP, 1- benzylpiperazine);

(E) Methcathinone (Some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-methylaminopropiophenone; monomethylpropion; ephedrone; — methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432), its salts, optical isomers and salts of optical isomers, as well as synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to methcathinone;

(F) 4-methyl-N-methylcathinone (other name: mephedrone);

(G) 3,4-methylenedioxyprovalerone (other name: MDPV); and

(H) 3,4-methylenedioxy-N-methylcathinone (other name: methylone).

(Aug. 5, 1981, D.C. Law 4-29, § 204, 28 DCR 3081; amended by rule, 39 DCR 1882; amended by rule, Dec. 7, 1994, 41 DCR 7967; May 9, 2000, D.C. Law 13-99, § 2(a), 47 DCR 791; Dec. 10, 2009, D.C. Law 18-88, § 225, 56 DCR 7413; June 19, 2013, D.C. Law 19-320, § 301(b), 60 DCR 3390.)

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-901.02, § 48-902.01, § 48-902.02, § 48-1004, and § 50-2206.13.

Effect of amendments.

The 2013 amendment by D.C. Law 19-320 added (3)(Z) through (3)(KK); added (4)(C); inserted “their analogues or derivatives and” in the introductory language of (5); added (5)(D) through (5)(H); and made related changes.

Emergency legislation.

For temporary amendment of section, see

§ 301(b) of the Omnibus Public Safety and Justice Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 301(b) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — See note to § 48-902.01.

§ 48-902.06. Schedule II enumerated.

The controlled substances listed in this section are included in Schedule II unless and until removed therefrom pursuant to § 48-902.01:

(1) Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone, naltrexone, and their respective salts, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid extracts;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Codeine;
- (viii) Ethylmorphine;
- (ix) Etorphine Hydrochloride;
- (x) Hydrocodone;
- (xi) Metopon;
- (xii) Morphine;
- (xiii) Oxycodone;
- (xiv) Oxymorphone;
- (xv) Thebaine;
- (xvi) Hydromorphone;
- (xvii) Dihydrocodeine;
- (xviii) Sufentanil;
- (xix) Alfentanil; and
- (xx) Carfentanil;

(B) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (A) of this paragraph, but not including the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Coca leaves, except coca leaves or extracts of coca leaves from which cocaine, ecgonine, or derivatives of ecgonine or their salts have been removed;

cocaine, its salts, optical and geometric isomers, and salts of isomers; or any compound, mixture, or preparation that contains any substance referred to in this paragraph;

(E) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy);

(F) Hashish; and

(G) Synthetic Tetrahydrocannabinols: Chemical equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers;

(ii) Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; or

(iii) Delta 3, 4 cis or trans tetrahydrocannabinol, and its optical isomers (compounds of these structures, regardless of numerical designation of atomic positions covered);

(2) Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan excepted:

(A) Alphaprodine;

(B) Anileridine;

(C) Bezitramide;

(D) Biphetamine;

(E) Diphenoxylate;

(F) Eskatrol;

(G) Fentanyl;

(H) Fetamine;

(I) Isomethadone;

(J) Levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

(K) Levomethorphan;

(L) Levorphanol;

(M) Metazocine;

(N) Methadone;

(O) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

(P) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

(Q) Pethidine (meperidine);

(R) Pethidine—Intermediate — A, 4-cyano-1-methyl-4- phenylpiperidine;

(S) Pethidine—Intermediate — B, ethyl-4-phenylpiperidine- 4-carboxylate;

(T) Pethidine—Intermediate — C, 1-methyl-4-phenylpiperidine- 4-carboxylic acid;

- (U) Phenazocine;
- (V) Piminodine;
- (W) Racemethorphan; and
- (X) Racemorphan;

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (B) Methamphetamine, its salts, isomers, and salts of its isomers;
- (C) Phenmetrazine and its salts;
- (D) Methylphenidate and its salts;
- (E) Repealed.
- (F) Amphetamine/methamphetamine immediate precursor: Phenyl acetone (Phenyl-2-propanone), P2P; and

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) Methagualone;
- (B) Amobarbital;
- (C) Secobarbital;
- (D) Pentobarbital;
- (E) Phencyclidine;
- (F) Phencyclidine immediate precursors:
 - (i) 1-phenyleyclohexylamine
 - (ii) 1-piperidinocyclohexanecarbonitrile (PCC);
- (G) Dronabinol;
- (H) Nabilone; and
- (I) Glutethimide.

(Aug. 5, 1981, D.C. Law 4-29, § 206, 28 DCR 3081; amended by rule, 32 DCR 1097; June 13, 1990, D.C. Law 8-138, § 2(b), 37 DCR 2638; amended by rule, 39 DCR 1882; amended by rule, Dec. 7, 1994, 41 DCR 7967; June 19, 2013, D.C. Law 19-320, § 301(c), 60 DCR 3390.)

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-853.01, § 48-901.02, § 48-902.01, § 48-902.02, and § 48-1004.

Effect of amendments. — The 2013 amendment by D.C. Law 19-320 substituted “Dronabinol” for “Dronabianol” in (4)(G).

Emergency legislation. — For temporary amendment of (4)(G), see § 301(c) of the Omnibus Criminal Code Amendments Emergency

Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 301(c) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — See note to § 48-902.01.

§ 48-902.08. Schedule III enumerated.

(a) The controlled substances listed in this section are included in Schedule III, unless and until removed therefrom pursuant to § 48-902.01:

(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 1308.32 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(B) Benzphetamine;

(C) Chlorphentermine;

(D) Clortermine;

(E) Mazindol; and

(F) Phendimetrazine;

(2) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(A) Any compound, mixture, or preparation containing:

(i) Amobarbital;

(ii) Secobarbital; or

(iii) Pentobarbital; or any salt thereof and 1 or more other active medicinal ingredients which are not listed in any schedule;

(B) Any suppository dosage form containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital; or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(C) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid:

(i) Chlorhexadol;

(ii) Rescheduled to Schedule II;

(iii) Lysergic acid;

(iv) Lysergic acid amide;

(v) Methyprylon;

(vi) Sulfondiethylmethane;

(vii) Sulfonethylmethane;

(viii) Sulfonmethane;

(ix) Tiletamine & Zolazepam Combination Product; and

(x) Vinbarbital;

(3) Nalorphine;

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a 4-fold or greater quantity of an isoquinoline alkaloid of opium;

(D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with 1 or more ingredients in recognized therapeutic amounts;

(G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

(H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with 1 or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, drug, or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progesterons, and corticosteroids) that promotes muscle growth and includes:

(A) Boldenone;

(B) Chlortestosterone (4-chlortestosterone);

(C) Clostebol;

(D) Dehydrochlormethyltestosterone;

(E) Dihydrotestosterone (4-dihydrotestosterone);

(F) Drostanolone;

(G) Ethylestrenol;

(H) Fluoxymestosterone;

(I) Formebolone (formebolone);

(J) Mesterolone;

(K) Methandienone;

(L) Methandranone;

(M) Methandriol;

(N) Methandrostenolone;

- (O) Methenolone;
- (P) Methyltestosterone;
- (Q) Mibolerone;
- (R) Nandrolone;
- (S) Norethandrolone;
- (T) Oxandrolone;
- (U) Oxymesterone;
- (V) Oxymetholone;
- (W) Stanolone;
- (X) Stanozolol;
- (Y) Testolactone;
- (Z) Testosterone;
- (AA) Trenbolone; and

(BB) Any salt, ester or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by Secretary of Health and Human Services for such administration. If any person prescribes, dispenses or distributes such steroid for human use such person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this paragraph;

(6) Cannabis; and

(7)(A) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

(B)(i) For the purposes of this paragraph, the term “cannabimimetic agents” means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

(I) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

(II) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

(III) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

(IV) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

(V) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(ii) The term “cannabimimetic agents” includes:

- (I) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3- (2-methyloctan-2-yl)-6a,7,10, 10a-tetrahydrobenzo[c] chromen-1-ol)(HU-210);
- (II) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- hydroxycyclohexyl]-phenol (CP 47,497);
- (III) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3- hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);
- (IV) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);
- (V) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
- (VI) 1-hexyl-3-(1-naphthoyl)indole (JWH- 019);
- (VII) 1-[2-(4-morpholinyl)ethyl]-3-(1- naphthoyl)indole (JWH-200);
- (VIII) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- (IX) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
- (X) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH- 122);
- (XI) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH- 398);
- (XII) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
- (XIII) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
- (XIV) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR- 19 and RCS-4);
- (XV) 1-cyclohexylethyl-3-(2- methoxyphenylacetyl)indole (SR-18 and RCS-8); and
- (XVI) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203).

(b) The Mayor may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in paragraphs (1) and (2) of subsection (a) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains 1 or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

(Aug. 5, 1981, D.C. Law 4-29, § 208, 28 DCR 3081; amended by rule, 39 DCR 1882; amended by rule Dec. 7, 1994, 41 DCR 7967; June 8, 2001, D.C. Law 13-300, § 2(a), 47 DCR 7037; June 19, 2013, D.C. Law 19-320, § 301(d), 60 DCR 3390.)

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-853.01, § 48-902.01, § 48-902.02, and § 48-1004.

Effect of amendments.

The 2013 amendment by D.C. Law 19-320 added (a)(7); and made related changes.

Emergency legislation. — For temporary amendment of (a), see § 301(d) of the Omnibus Criminal Code Amendments Emergency

Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 301(d) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — See note to § 48-902.01.

§ 48-902.10. Schedule IV enumerated.

(a) The controlled substances listed in this section are included in Schedule IV, unless and until removed therefrom pursuant to § 48-902.01:

(1) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) Barbitol;
- (B) Chloral betaine;
- (C) Chloral hydrate;
- (D) Chlordiazepoxide;
- (E) Clonazepam;
- (F) Clorazepate;
- (G) Dextropropoxyphene;
- (H) Diazepam;
- (I) Ethchlorvynol;
- (J) Ethinamate;
- (K) Flurazepam;
- (L) Lorazepam;
- (M) Mebutamate;
- (N) Meproamate;
- (O) Methohexital;
- (P) Methylphenobarbital (mephobarbital);
- (Q) Oxazepam;
- (R) Paraldehyde;
- (S) Petrichloral;
- (T) Phenobarbital;
- (U) Prazepam;
- (V) Alprazolam;
- (W) Bromazepam;
- (X) Camazepam;
- (Y) Clobazam;
- (Z) Clotiazepam;
- (AA) Cloxazolam;
- (BB) Delorazepam;
- (CC) Estazolam;
- (DD) Ethyl loflazepate;
- (EE) Fludiazepam;
- (FF) Flunitrazepam;
- (GG) Halazepam;
- (HH) Haloxazolam;
- (II) Ketazolam;
- (JJ) Loprazolam;
- (KK) Lormetazepam;
- (LL) Medazepam;
- (MM) Midazolam;
- (NN) Nimetazepam;
- (OO) Nitrazepam;
- (PP) Oxazolam;

- (QQ) Omitted;
- (RR) Pinazepam;
- (SS) Quazepam;
- (TT) Temazepam;
- (UU) Tetrazepam;
- (VV) Triazolam; and
- (WW) Fospropofol;

(2) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible, such as Fenfluramine;

(3) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) Diethylpropion;
- (B) Phentermine;
- (C) Pemoline (including organometallic complexes and chelates thereof);
- (D) Cathine;
- (E) Fencamfimin;
- (F) Fenproporex;
- (G) Mefenorex;
- (H) Pipradrol; and
- (I) SPA;

(4) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (A) Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1), 2-diphenyl-1-3-methyl-2-propionoxybutane; and
- (B) Pentazocine; and

(5) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof of not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(b) The Mayor may except by rule any compound, mixture, or preparation containing any depressant substance listed in paragraph (1) of subsection (a) of this section from the application of all or any part of this chapter if the compound, mixture, or preparation contains 1 or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

(Aug. 5, 1981, D.C. Law 4-29, § 210, 28 DCR 3081; amended by rule, 39 DCR 1882; June 19, 2013, D.C. Law 19-320, § 301(e), 60 DCR 3390.)

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-853.01, § 48-902.01, § 48-902.02, and § 48-1004.

Effect of amendments. — The 2013 amendment by D.C. Law 19-320 added (a)(1)(WW) and made related changes; and substituted “Cathine” for “Cathine” (made no change) in (a)(3)(D).

Emergency legislation. — For temporary amendment of (a), see § 301(e) of the Omnibus

Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 301(e) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — See note to § 48-902.01.

Subchapter IV. Offenses and Penalties.

§ 48-904.01. Prohibited acts A; penalties.

(a)(1) Except as authorized by this chapter or Chapter 16B of Title 7 [§ 7-1671 et seq.], it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance.

(2) Any person who violates this subsection with respect to:

(A) A controlled substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than the amount set forth in § 22-3571.01, or both;

(B) Any other controlled substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be imprisoned for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both; except that upon conviction of manufacturing, distributing or possessing with intent to distribute ½ pound or less of marijuana, a person who has not previously been convicted of manufacturing, distributing or possessing with intent to distribute a controlled substance or attempting to manufacture, distribute, or possess with intent to distribute a controlled substance may be imprisoned for not more than 180 days or fined not more than the amount set forth in § 22-3571.01 or both;

(C) A substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than the amount set forth in § 22-3571.01, or both; or

(D) A substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than the amount set forth in § 22-3571.01, or both.

(b)(1) Except as authorized by this chapter, it is unlawful for any person to create, distribute, or possess with intent to distribute a counterfeit substance.

(2) Any person who violates this subsection with respect to:

(A) A counterfeit substance classified in Schedule I or II that is a narcotic or abusive drug shall be imprisoned for not more than 30 years or fined not more than the amount set forth in § 22-3571.01, or both;

(B) Any other counterfeit substance classified in Schedule I, II, or III, except for a narcotic or abusive drug, is guilty of a crime and upon conviction

may be imprisoned for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both;

(C) A counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than 3 years, fined not more than the amount set forth in § 22-3571.01, or both; or

(D) A counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than 1 year, fined not more than the amount set forth in § 22-3571.01, or both.

(c) Repealed.

(d)(1) It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter or Chapter 16B of Title 7 [§ 7-1671 et seq.], Except as provided in paragraph (2) of this subsection, any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 180 days, fined not more than the amount set forth in § 22-3571.01, or both.

(2) Any person who violates this subsection by knowingly or intentionally possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon conviction, may be imprisoned for not more than 3 years, fined not more than the amount set forth in § 22-3571.01, or both.

(e)(1) If any person who has not previously been convicted of violating any provision of this chapter, or any other law of the United States or any state relating to narcotic or abusive drugs or depressant or stimulant substances is found guilty of a violation of subsection (d) of this section and has not previously been discharged and had the proceedings dismissed pursuant to this subsection, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceedings and place him or her on probation upon such reasonable conditions as it may require and for such period, not to exceed one year, as the court may prescribe. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in its discretion, dismiss the proceedings against such person and discharge him or her from probation before the expiration of the maximum period prescribed for such person's probation. If during the period of probation such person does not violate any of the conditions of the probation, then upon expiration of such period the court shall discharge such person and dismiss the proceedings against him or her. Discharge and dismissal under this subsection shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained solely for the purpose of use by the courts in determining whether or not, in subsequent proceedings, such person qualifies under this subsection. Such discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime (including the penalties prescribed under § 48-904.08 for second or subsequent convictions) or for any other purpose.

(2) Upon the dismissal of such person and discharge of the proceedings against him under paragraph (1) of this subsection, such person may apply to

the court for an order to expunge from all official records (other than the nonpublic records to be retained under paragraph (1) of this subsection) all recordation relating to his or her arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this subsection. If the court determines, after hearing, that such person was dismissed and the proceedings against him or her discharged, it shall enter such order. The effect of such order shall be to restore such person, in the contemplation of this law, to the status he or she occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge such arrest, or indictment, or trial in response to any inquiry made of him or her for any purpose.

(3) A person who was discharged from probation and whose case was dismissed pursuant to paragraph (1) of this subsection shall be entitled to a copy of the nonpublic record retained under paragraph (1) of this subsection but only to the extent that such record would have been available to the person before an order of expungement was entered pursuant to paragraph (2) of this subsection. A request for a copy of the nonpublic record may be made ex parte and under seal by the person or by an authorized representative of the person.

(f) The prosecutor may charge any person who violates the provisions of subsection (a) or (b) of this section relating to the distribution of or possession with intent to distribute a controlled or counterfeit substance with a violation of subsection (d) of this section if the interests of justice so dictate.

(g) For the purposes of this section, “offense” means a prior conviction for a violation of this section or a felony that relates to narcotic or abusive drugs, marijuana, or depressant or stimulant drugs, that is rendered by a court of competent jurisdiction in the United States.

(Aug. 5, 1981, D.C. Law 4-29, § 401, 28 DCR 3081; Nov. 17, 1981, D.C. Law 4-52, § 3(c)(1), 28 DCR 4348; Mar. 9, 1983, D.C. Law 4-166, §§ 9, 10, 30 DCR 1082; Sept. 26, 1984, D.C. Law 5-121, § 2(a), 31 DCR 4046; Mar. 15, 1985, D.C. Law 5-171, § 2(a), 32 DCR 730; Feb. 28, 1987, D.C. Law 6-201, § 2(c), 34 DCR 524; June 13, 1990, D.C. Law 8-138, § 2(c), 37 DCR 2638; Aug. 20, 1994, D.C. Law 10-151, § 112(a), 41 DCR 2608; May 25, 1995, D.C. Law 10-258, § 3, 42 DCR 238; Apr. 18, 1996, D.C. Law 11-110, § 34(b), 43 DCR 530; June 8, 2001, D.C. Law 13-300, § 2(c), 47 DCR 7037; July 23, 2010, D.C. Law 18-196, § 2, 57 DCR 4522; July 27, 2010, D.C. Law 18-210, § 3(c), 57 DCR 4798; June 11, 2013, D.C. Law 19-317, § 252(a), 60 DCR 2064; June 15, 2013, D.C. Law 19-319, § 5, 60 DCR 2333.)

Section references. — This section is referenced in § 7-403, § 23-546, § 24-112, § 24-221.06, § 24-906, § 48-904.06, § 48-904.07, § 48-904.07a, and § 48-905.02.

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$500,000” in (a)(2)(A); in (a)(2)(B), substituted

the first occurrence of “not more than the amount set forth in § 22-3571.01” for “not more than \$50,000” and the second occurrence for “not more than \$1,000”; substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$25,000” in (a)(2)(C) and for “not more than \$10,000” in (a)(2)(D); in (b)(2), substituted “not more than the amount set forth in § 22-3571.01” for “not more than

\$500,000” in (b)(2)(A), for “not more than \$50,000” in (b)(2)(B), for “not more than \$25,000” in (b)(2)(C), and for “not more than \$10,000” in (b)(2)(D); and in (d), substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1,000” in (d)(1), and for “not more than \$3,000” in (d)(2).

The 2013 amendment by D.C. Law 19-319 added (e)(3).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively.

Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Legislative history of Law 19-319. — Law 19-319, the “Re-entry Facilitation Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-889. The Bill was adopted on first and second readings on Dec. 4, 2012 and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 29, 2013, it was assigned Act No. 19-657 and transmitted to Congress for its review. D.C. Law 19-319 became effective on June 15, 2013.

Editor’s notes.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CASE NOTES

ANALYSIS

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Arrest.

Documents regarding arresting officer’s training and use of laser radar detector, as requested by defendant in prosecution for attempted possession of marijuana that was discovered in search incident to his arrest for speeding, were not “material” under criminal rule governing pretrial discovery to defendant’s motion to suppress the drug evidence; whether officer had probable cause to arrest defendant for driving at over 30 miles per hour over posted speed limit depended on what the officer reasonably believed and relied on, not on whether the officer’s operation of the device, or

the device itself, were sufficiently reliable to serve as substantive evidence of the crime of speeding. *Watson v. United States*, 43 A.3d 276, 2012 D.C. App. LEXIS 156 (2012).

Police officer had probable cause to arrest defendant for speeding; officer testified that he saw defendant driving across bridge significantly faster than other cars, that he aimed laser radar detector at defendant’s car and saw a reading of 88 miles per hour, 48 miles over posted speed limit, that he had operated detector for at least a couple of years and had been trained and certified in its use, that he had conducted earlier that day a self-test indicating that detector was functioning properly, and that he knew that detector had recently been certified by an outside entity as accurately calibrated. *Watson v. United States*, 43 A.3d 276, 2012 D.C. App. LEXIS 156 (2012).

Police officers had probable cause to arrest defendant following the successful controlled delivery of a parcel containing marijuana addressed to him; defendant accepted a parcel addressed to “Corey Johnson” by signing and printing the name “Corey Johnson,” even though defendant’s name was Courtney, the parcel was delivered to defendant’s girlfriend’s house, which suggested that defendant used the address to avoid detection, 15 minutes after the delivery defendant left the house with the unopened package and placed the parcel in his car, and the parcel was one of two parcels sent by an individual in California who was involved in suspicious drug-related activity. *Johnson v. United States*, 40 A.3d 1, 2012 D.C. App. LEXIS 130 (2012).

Conduct of judge.

There was reasonable likelihood that trial judge punished defendant convicted of posses-

sion of heroin for invoking his Sixth Amendment right of confrontation, such that vacatur of sentence and re-assignment to different judge for re-sentencing was warranted; judge, by reiterating that she would “take into account” defendant’s insistence on cross-examining chemist, and that this decision would “have consequences” for him, signaled that she was going to impose more severe sentence because defendant exercised his constitutional right of confrontation, and judge’s sentence of incarceration for 180 days, maximum allowed by law, was almost twice what prosecutor had sought. *Thorne v. United States*, 46 A.3d 1085, 2012 D.C. App. LEXIS 310 (2012).

Conduct of trial.

Trial court did not broaden charges in indictment in allowing jury to conclude that one small plastic bag could provide sufficient basis for possession of drug paraphernalia, in prosecution for possession of cocaine and possession of drug paraphernalia; there was no reasonable likelihood that defendant was convicted of crime different from that charged by grand jury, and nothing in plain language of indictment lent support to notion that grand jury charged defendant with possession of certain small plastic bags in his apartment to the exclusion of others. *Ramirez v. U.S.*, 2012 WL 3513097 (2012).

Constitutional rights.

Police officer’s testimony that he was taught that, if he saw green leafy substance turn purple during field test, it was marijuana, did not violate defendant’s right of confrontation based on defendant’s claim that he should have been allowed to cross-examine individual who taught officer about test results, in trial for attempted possession of marijuana; officer’s testimony was not testimonial in nature. *Newman v. U.S.*, 2012 WL 3213242 (2012).

Construction and application.

Under D.C. Code § 48-904.01(e)(2), a person with an expunged arrest and conviction cannot be charged with perjury or false statement based on what she says about the underlying incident, but it does not provide that the person need not answer any questions about the arrest, conviction, or conduct; i.e., expungement does not create a testimonial privilege. *D.C. Hous. Auth. v. Reid*, — WLR —, 2012 D.C. Super. LEXIS 9 (Dec. 17, 2012).

Expungement order issued under D.C. Code § 48-904.01(e) includes all documents that have any connection, association, or relationship to a defendant’s arrest, charge, and trial, including all search warrant documents. *D.C. Hous. Auth. v. Reid*, — WLR —, 2012 D.C. Super. LEXIS 9 (Dec. 17, 2012).

Construction with other statutes.

Where the District of Columbia Housing Authority (DCHA) filed suit to evict its tenant because drugs were sold from her apartment, although records of her arrest and conviction of drug charges had been expunged under D.C. Code § 48-904.01(e), as the expungement did not create a testimonial privilege, she was obligated to respond to the DCHA’s interrogatories except to the extent that the response would implicate the arrest, the charge, or the court proceedings. *D.C. Hous. Auth. v. Reid*, — WLR —, 2012 D.C. Super. LEXIS 9 (Dec. 17, 2012).

Where the District of Columbia Housing Authority (DCHA) attempted to evict a tenant because drugs were sold from her apartment, the fact that search warrant documents related to her arrest had been expunged under D.C. Code § 48-904.01(e) was not grounds to dismiss the complaint, as the expungement order did not expunge the underlying acts or prevent the DCHA from relying on independently-gathered evidence of the tenant’s criminal conduct. *D.C. Hous. Auth. v. Reid*, — WLR —, 2012 D.C. Super. LEXIS 9 (Dec. 17, 2012).

Expungement of records.

Once a party is on notice of an expungement order, D.C. Code § 48-904.01(e) expunges records and prevents reliance on the fact of a defendant’s arrest, charge, or conviction, but does not expunge the underlying conduct or prevent any party from relying on independently-gathered evidence of this conduct. *D.C. Hous. Auth. v. Reid*, — WLR —, 2012 D.C. Super. LEXIS 9 (Dec. 17, 2012).

Instructions.

— Lesser included offenses, instructions.

Trial court did not commit plain error in instructing jury that possession of phencyclidine (PCP) was a lesser-included offense of crime of distribution; lesser-included offense issue was not raised before trial judge who had no occasion to consider it, verdict form was unequivocal and not objected to, defense presented expert witness testimony that defendant’s conduct was consistent with possession and not distribution, and defendant asked jury to find him guilty on lesser offense of possession. *Rose v. U.S.*, 2012 WL 3513437 (2012).

Nature and elements of offenses.

— Constructive possession, nature and elements of offenses.

Evidence was sufficient to show that defendant constructively possessed drugs and drug paraphernalia, as would support convictions for possession of cocaine and possession of drug paraphernalia; when police ultimately forced their way into apartment after knocking and

receiving no response, defendant was in kitchen, along with 27.2 grams of cocaine and digital scales, defendant acknowledged that he resided in apartment where search warrant was executed, and near bed in living room, where defendant indicated he resided, police recovered mail addressed to defendant, photos of defendant, and a bag of cocaine inside a pair of pants. *Ramirez v. U.S.*, 2012 WL 3513097 (2012).

Search and seizure.

Appellant’s conviction under § 48-904.01(a)(2)(B) was affirmed where the trial court had properly denied appellant’s motion to suppress the drugs and money found in the apartment into which he and his partner fled on seeing the police approach under the hot pursuit doctrine. *Magruder v. United States*, 62 A.3d 720, 2013 D.C. App. LEXIS 67 (2013).

Enhancement.

Appellate court rejected appellant’s contention that the Apprendi rule required that the jury, not the judge, decide whether he had a prior conviction where nothing in the language of § 48-904.01(a)(2)(B) implied that a prior conviction was an element of his current crimes, nor did the case law adopted in the years since adoption of the Apprendi rule imply any retreat from the sui generis treatment of the fact of a prior conviction. *Magruder v. United States*, 62 A.3d 720, 2013 D.C. App. LEXIS 67 (2013).

Weight and sufficiency of evidence.

— Distribution, weight and sufficiency of evidence.

Evidence was sufficient to support conviction for possession with intent to distribute a quantity of marijuana; defendant accepted delivery of a parcel containing drugs, he acknowledged that he was the correct recipient, and he signed the postal receipt, almost immediately after delivery defendant took the parcel out to his car and intended to transport it to another location, and the parcel contained approximately 4,797 grams of marijuana worth between \$10,000 and \$47,000. *Johnson v. United States*, 40 A.3d 1, 2012 D.C. App. LEXIS 130 (2012).

— Dominion and control, weight and sufficiency of evidence.

Defendant’s conviction of possession with intent to distribute a controlled substance (D.C. Code § 48-904.01(a)(1)) was reversed, as his

sitting in the backseat of a car near a closed cooler containing marijuana that was packaged as if for sale was insufficient to prove that he had the requisite intent to exercise dominion or control over the drugs. *Jackson v. United States*, 61 A.3d 1218, 2013 D.C. App. LEXIS 61 (2013).

— Knowledge generally, weight and sufficiency of evidence.

Evidence was sufficient to show that defendant knew or believed that green leafy substance contained in white paper was marijuana, as required to support conviction for attempted possession of marijuana; immediately after making eye contact with police officer, defendant got up from where he was sitting and moved away at “a very fast pace,” and defendant clearly sought to distance himself from white piece of paper by placing it on brick wall as he walked away from officers. *Newman v. U.S.*, 2012 WL 3213242 (2012).

— Possession generally, weight and sufficiency of evidence.

Evidence was sufficient to support conviction for possession of phencyclidine (PCP); defendant was seen giving co-defendant money, and then drawing in on a cigarette, consistent with a cigarette dipped in PCP, defendant was also seen lighting a cigarette as he walked back to car, and a wet, partially-burned, PCP-laced cigarette was found on ground outside of front passenger side of car when it was stopped, and three more PCP-laced cigarettes were found inside car. *Rose v. U.S.*, 2012 WL 3513437 (2012).

Evidence was insufficient to establish car owner’s constructive possession of cocaine found in compartment under armrest of center console of unlocked car after it was shot while defendant was neither driving nor even present in the car, and thus evidence was insufficient to support conviction for unlawful possession with intent to distribute; evidence that owner had driven the car around five hours before it was shot and secured by the police, had given no one else permission to drive it, often left valuables such as his wallet in the car, spent \$249 to improve the car, and had said to detective, “f that vehicle, You all can have it,” did not manifest something more in the totality of the circumstances that established that owner meant to exercise dominion or control over the narcotics. *James v. United States*, 39 A.3d 1262, 2012 D.C. App. LEXIS 134 (2012).

Applied in *White v. United States*, 68 A.3d 271, 2013 D.C. App. LEXIS 376 (2013).

§ 48-904.02. Prohibited acts B; penalties.

(a) It is unlawful for any person:

(1) Who is subject to subchapter III of this chapter to distribute or dispense a controlled substance in violation of § 48-903.08;

(2) Who is a registrant, to manufacture a controlled substance not authorized by registration, or to distribute or dispense a controlled substance not authorized by registration to another registrant or other authorized person;

(3) To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice, or information required under this chapter;

(4) To refuse an entry into any premises for any inspection authorized by this chapter;

(5) Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances or which is used for keeping or selling them in violation of this chapter;

(6) Who is a law-enforcement official, as designated by the Mayor, or a designated civilian employee of the Metropolitan Police Department, to divulge any knowledge relating to the records, order forms, or prescriptions of registrants which he or she received by virtue of his or her office, except in connection with officially authorized duties or in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the registrant to whom such records, order forms, or prescriptions relate is a party; or

(7) To use to his or her own advantage or to reveal, other than to duly authorized officers or employees of the District of Columbia or the United States, or to the courts when relevant in any judicial proceeding under this subchapter or subchapter III of this chapter, any information acquired in the course of an authorized inspection concerning any method or process which as a trade secret is entitled to protection.

(b) Except as provided for in subsection (c) of this section, any person who violates this section shall, with respect to any violation, be subject to a civil penalty of not more than \$50,000.

(c) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall be guilty of a crime and upon conviction may be imprisoned for not more than one year, fined not more than the amount set forth in § 22-3571.01, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 402, 28 DCR 3081; June 12, 1999, D.C. Law 12-284, § 10(b), 46 DCR 1328; June 11, 2013, D.C. Law 19-317, § 252(b), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$50,000” in (c).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 252(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act

20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 48-904.01.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 48-904.03. Prohibited acts C; penalties.

(a) It is unlawful for any person knowingly or intentionally:

(1) To distribute as a registrant a controlled substance classified in Schedule I or II, except pursuant to an order form as required by § 48-903.07;

(2) To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;

(3) To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

(4) To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or

(5) To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

(b) Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 4 years, fined not more than the amount set forth in § 22-3571.01, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 403, 28 DCR 3081; June 11, 2013, D.C. Law 19-317, § 252(c), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$50,000” in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 48-904.01.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 48-904.03a. Prohibited acts D; penalties.

(a) It shall be unlawful for any person to knowingly open or maintain any place to manufacture, distribute, or store for the purpose of manufacture or distribution a narcotic or abusive drug.

(b) Any person who violates this section shall be imprisoned for not less than 5 years nor more than 25 years, fined not more than the amount set forth in § 22-3571.01, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 411, as added June 13, 1990, D.C. Law 8-138, § 2(e), 37 DCR 2638; June 11, 2013, D.C. Law 19-317, § 252(f), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$500,000” in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1,

2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 48-904.01.

Editor's notes.

Applicability of D.C. Law 19-317: Section 401

of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 48-904.07. Enlistment of minors to distribute.

(a) Any person who is 21 years of age or over and who enlists, hires, contracts, or encourages any person under 18 years of age to sell or distribute any controlled substance, in violation of § 48-904.01(a), for the profit or benefit of such person who enlists, hires, contracts, or encourages this criminal activity shall be punished for sale or distribution in the same manner as if that person directly sold or distributed the controlled substance.

(b) Anyone found guilty of subsection (a) of this section shall be subject to the following additional penalties:

(1) Upon a first conviction the party may be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both;

(2) Upon a second or subsequent conviction, the party may be imprisoned for not more than 20 years, fined not more than the amount set forth in § 22-3571.01, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 407, 28 DCR 3081; June 11, 2013, D.C. Law 19-317, § 252(d), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$10,000” in (b)(1), and for “not more than \$20,000” in (b)(2).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 48-904.01.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 48-904.08. Second or subsequent offenses.

(a) Any person convicted under this unit of a second or subsequent offense may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both.

(b) For purposes of this section, an offense is considered a second or subsequent offense if, prior to commission of the offense, the offender has at any time been convicted under this unit or under any statute of the United States or of any state relating to a controlled substance.

(c) A person who is convicted of violating § 48-904.06 may be sentenced according to the provisions of § 48-904.06 or according to the provisions of this section, but not both.

(Aug. 5, 1981, D.C. Law 4-29, § 408, 28 DCR 3081; June 19, 2013, D.C. Law 19-320, § 301(f), 60 DCR 3390.)

Section references. — This section is referenced in § 48-904.01.

Effect of amendments. — The 2013

amendment by D.C. Law 19-320 substituted “convicted under this chapter of a second or subsequent offense” for “convicted of a second

or subsequent offense under this chapter” in (a); and substituted “a controlled substance” for “narcotic drugs, depressants, stimulants, or hallucinogenic drugs” in (b).

Emergency legislation. — For temporary amendment of section, see § 301(f) of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 301(f) of the Omnibus Criminal Code Amendment Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — Law 19-320, the “Omnibus Criminal Code Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-645. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Feb. 11, 2013, it was assigned Act No. 19-677 and transmitted to Congress for its review. D.C. Law 19-320 became effective on June 19, 2013.

§ 48-904.09. Attempt; conspiracy.

CASE NOTES

Weight and sufficiency of evidence.

Evidence was sufficient to show that defendant knew or believed that green leafy substance contained in white paper was marijuana, as required to support conviction for attempted possession of marijuana; immediately after making eye contact with police offi-

cer, defendant got up from where he was sitting and moved away at “a very fast pace,” and defendant clearly sought to distance himself from white piece of paper by placing it on brick wall as he walked away from officers. *Newman v. U.S.*, 2012 WL 3213242 (2012).

§ 48-904.10. Possession of drug paraphernalia.

Whoever, except for a physician, dentist, chiropractist, or veterinarian licensed in the District of Columbia or a state, registered nurse, registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, industrial user, official of any government having possession of the proscribed articles by reason of his or her official duties, nurse or medical laboratory technician acting under the direction of a physician or dentist, employees of a hospital or medical facility acting under the direction of its superintendent or officer in immediate charge, person engaged in chemical, clinical, pharmaceutical or other scientific research, acting in the course of their professional duties, has in his or her possession a hypodermic needle, hypodermic syringe, or other instrument that has on or in it any quantity (including a trace) of a controlled substance with intent to use it for administration of a controlled substance by subcutaneous injection in a human being shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 180 days, or both.

(Aug. 5, 1981, D.C. Law 4-29, § 410, 28 DCR 3081; Aug. 20, 1994, D.C. Law 10-151, § 112(b), 41 DCR 2608; June 11, 2013, D.C. Law 19-317, § 252(e), 60 DCR 2064.)

Section references. — This section is referenced in § 7-403 and § 48-1103.01.

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1,000”.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 252(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 48-904.01.

Editor’s notes. — Applicability of D.C. Law

19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Subchapter V. Enforcement and Administrative Provisions.

§ 48-905.02. Forfeitures.

(a) The following are subject to forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, or delivering any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraph (1) or (2) of this subsection;

(4) All conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (1) or (2) of this subsection; provided, that:

(A) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(B) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his or her knowledge or consent;

(C) Repealed; or

(D) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data, which are used, or intended for use, in violation of this chapter;

(6) All cash or currency which has been used, or intended for use, in violation of this chapter;

(7) Everything of value furnished or intended to be furnished in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of this chapter.

(A) No property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by the owner to have been committed or omitted without the owner's knowledge or consent; and

(B) All moneys, coins and currency found in close proximity to forfeitable controlled substances, forfeitable drug manufacturing or distributing paraphernalia or records of the importation, manufacture, or distribution of controlled substances, are presumed to be forfeitable under this paragraph.

The burden of proof is upon any claimant of the property to rebut this presumption; and

(8) Any real property that is used or intended to be used in any manner to commit or facilitate the commission of a violation of this chapter, except that:

(A) No real property shall be forfeited under this paragraph by reason of an act or omission established by the owner to have been committed or omitted without the knowledge and consent of the owner;

(B) Real property shall not be subject to forfeiture for a violation of § 48-904.01(d); and

(C) The forfeiture of real property encumbered by a bona fide security interest shall be subject to the interest of the secured party if the secured party had no knowledge and did not consent to the act or omission that constituted a violation of this chapter.

(a-1) All moneys, coins and currency forfeited pursuant to this chapter shall be deposited as provided in § 23-527.

(b) Property subject to forfeiture under this chapter may be seized by law enforcement officials, as designated by the Mayor, or designated civilian employees of the Metropolitan Police Department, upon process issued by the Superior Court of the District of Columbia having jurisdiction over the property, or without process if authorized by other law.

(c) In the event of seizure pursuant to subsection (b) of this section, proceedings under subsection (d) of this section shall be instituted promptly.

(d)(1) All controlled substances, the lawful possession of which is not established or the title to which cannot be ascertained, which come into the custody of law-enforcement officials of the District of Columbia, or any designated civilian employees of the Metropolitan Police Department, shall be delivered promptly to the United States Department of Justice or its delegate for disposal, except that controlled substances which may be needed as evidence in any criminal or administrative proceeding pursuant to the provisions of this chapter or the provisions of any federal controlled substances law shall, upon delivery to the United States Department of Justice, not be so disposed of until the public official in charge of prosecuting any violation under this chapter shall certify that such controlled substances are no longer needed as evidence.

(2) Property, other than controlled substances, taken or detained under this section shall not be subject to replevin, but is deemed to be in the custody of the Mayor. When property is seized under this chapter, the Mayor shall:

(A) Place the property under seal;

(B) Remove the property to a place designated by the Mayor; or

(C) Remove the property to an appropriate location for disposition in accordance with law.

(3)(A) After a proper showing of probable cause for the seizure is made, the Mayor shall cause notice of the seizure of property, other than controlled substances, and the Mayor's intention to forfeit and sell or otherwise dispose of the property in accordance with this chapter to be published for at least 2 successive weeks in a local newspaper of general circulation. In addition, the Mayor shall provide written notice of the seizure together with information on

the applicable procedures for claiming the property to each party who is known or in the exercise of reasonable diligence should be known by the Mayor to have a right of claim to the seized property. Notice to each party shall be by registered or certified mail, return receipt requested.

(B) Any person claiming the property may, at any time within 30 days from the date of receipt of notice of seizure, file with the Mayor a claim stating his or her interest in the property. Upon the filing of a claim, the claimant shall give a bond to the District government in the penal sum of \$2,500 or 10% of the fair market value of the claimed property (as appraised by the Chief of the Metropolitan Police Department), whichever is lower, but not less than \$250, with sureties to be approved by the Mayor. In case of forfeiture of the claimed property, the costs and expenses of the forfeiture proceedings shall be deducted from the bonds. Any costs that exceed the amount of the bond shall be paid by the claimant. In determining the fair market value of the property seized, the Chief of the Metropolitan Police Department shall consider any verifiable and reasonable evidence of value that the claimant may present. The balance of the proceeds shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia;

(C) If a claim and bond (or application for a waiver of bond) are not filed within 30 days of receipt of notice, and if either the property seized has a value of less than \$250,000 or the property seized is a conveyance subject to forfeiture under the provisions of paragraph (a)(4) of this section, the Mayor, after determining that the property is forfeitable under this chapter, shall declare the property forfeited and shall dispose of the property in accordance with the provisions of paragraph (4) of this subsection. If the Mayor determines that the seized property is not forfeitable under this chapter and is not otherwise subject to forfeiture, the Mayor shall return the property to its rightful owner.

(D) If it appears to the Mayor that any property seized under this paragraph is liable to perish, waste, or be greatly reduced in value by the keeping, or that the expense of keeping is disproportionate to the value of the property, the Mayor may proceed to advertise and sell the property at auction or otherwise dispose of the property under rules promulgated by the Mayor.

(E) If the property seized is not forfeited or disposed of in accordance with subparagraphs (C) and (D) of this paragraph, the Mayor shall request the Corporation Counsel to apply to the Superior Court of the District of Columbia for forfeiture of the property in accordance with the rules of the Superior Court of the District of Columbia.

(F) Whenever any person who has an interest in forfeited property files with the Mayor, either before or after the sale or disposition of property, a petition for remission or mitigation of the forfeiture, the Mayor shall remit or mitigate the forfeiture upon the terms and conditions as the Mayor deems reasonable if the Mayor finds:

- (i) That the forfeiture was incurred without willful negligence or without any intention on the part of the petitioner to violate the law; or
- (ii) That mitigating circumstances justify the remission or mitigation of the forfeiture.

(G) In all suits or actions brought for forfeiture of any property seized under this chapter when the property is claimed by any person, the burden of proof shall be on the claimant once the Mayor has established probable cause as provided in subsection (a) of this section.

(H) The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue proposed rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(4) When property, other than controlled substances, is forfeited under this chapter, the Mayor shall:

(A) Retain it for official use;

(B) Sell that which is not required by law to be destroyed and which is not harmful to the public. All proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs shall be deducted from the proceeds. The balance of the proceeds shall be used, and shall remain available until expended regardless of the expiration of the fiscal year in which they were collected, to finance law enforcement activities of the Metropolitan Police Department of the District of Columbia, with any remaining balance used to finance programs which shall serve to rehabilitate drug addicts, educate citizens, or prevent drug addiction;

(C) Remove the property for disposition in accordance with law; or

(D) Forward it to the D.E.A. for disposition.

(e) During the course of any civil forfeiture proceeding pursuant to this section, which involves real property, the Mayor shall file a notice of the proceeding with the Recorder of Deeds. The notice shall include the legal description of the property and indicate that civil forfeiture is being sought. The Recorder of Deeds shall record the notice against the title of any real property for which civil forfeiture is being sought. Upon resolution of the proceeding, the Recorder of Deeds shall be notified of the disposition of the action.

(Aug. 5, 1981, D.C. Law 4-29, § 502, 28 DCR 3081; Apr. 3, 1982, D.C. Law 4-96, § 2, 29 DCR 762; Sept. 29, 1988, D.C. Law 7-162, § 2, 35 DCR 5733; Dec. 12, 1989, 103 Stat. 1901, Pub. L. 101-223, § 6; June 13, 1990, D.C. Law 8-138, § 2(d), 37 DCR 2638; Sept. 26, 1992, D.C. Law 9-155, § 2(a), 39 DCR 5679; Mar. 25, 1993, D.C. Law 9-253, § 3, 40 DCR 790; May 16, 1995, D.C. Law 10-255, § 25, 41 DCR 5193; June 12, 1999, D.C. Law 12-284, § 10(c), 46 DCR 1328; October 4, 2000, D.C. Law 13-160, § 403(b), 47 DCR 4619; Sept. 14, 2011, D.C. Law 19-21, § 9067(a), 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 98(d), 59 DCR 6190.)

Section references. — This section is referenced in § 7-2507.06a, § 22-902, and § 22-2723.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction.

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of

2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Subchapter VII. Drug Interdiction and Demand Reduction Fund.

§ 48-907.02. Funding and disbursements. [Repealed].

Repealed.

(Aug. 5, 1981, D.C. Law 4-29, § 702, as added June 13, 1990, D.C. Law 8-138, § 2(f), 37 DCR 2638; Sept. 26, 1992, D.C. Law 9-155, § 2(b), 39 DCR 5679; Sept. 26, 1995, D.C. Law 11-52, § 809(a), 42 DCR 3684; Sept. 20, 2012, D.C. Law 19-168, § 8004, 59 DCR 8025.)

Section references. — This section is referenced in § 23-532.

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the

Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Editor’s notes. — Section 8010 of D.C. Law 19-168 provided that §§ 8002, 8003, 8004, 8005, 8006, and 8007 of the act shall apply as of September 14, 2011.

Unit B. General.

Subchapter I. Searches Involving Controlled Substances.

§ 48-921.01. Arrests, searches and seizures without warrant.

CASE NOTES

Admissibility of evidence.

Officers, in conducting unconstitutional warrantless search of passenger compartment of arrestee’s car after securing him with handcuffs and placing him behind car, did so in objective reasonable reliance on binding appellate precedent, and, thus, good faith exception to the exclusionary rule applied such that evidence seized from car was admissible in drug prosecution; appellate precedent, which upheld

warrantless search of inside of defendants’ cars, involved one of more occupants of a car who were not securely sequestered at time of search and, thus, factually, did not require Court to distinguish the situation from United States Supreme Court decision of New York v. Belton, which permitted warrantless search of car’s passenger compartment. United States v. Debruhl, 38 A.3d 293, 2012 D.C. App. LEXIS 68 (2012).

§ 48-921.02. Search warrants; issuance, execution and return; property inventory; filing of proceedings; interference with service.

(a) A search warrant may be issued by any judge of the Superior Court of the District of Columbia or by a United States Magistrate for the District of Columbia when any controlled substances are manufactured, possessed, controlled, sold, prescribed, administered, dispensed, or compounded, in violation of the provisions of the District of Columbia Uniform Controlled Substances Act of 1981 [D.C. Law 4-29], and any such controlled substances and any other property designed for use in connection with such unlawful manufacturing, possession, controlling, selling, prescribing, administering, dispensing, or compounding may be seized thereunder, and shall be subject to such disposition as the Court may make thereof and such controlled substances may be taken on the warrant from any house or other place in which they are concealed.

(b) A search warrant cannot be issued but upon probable cause supported by affidavit particularly describing the property and the place to be searched.

(c) The judge or Magistrate must, before issuing the warrant, examine on oath the complainant and any witnesses he may produce, and require their affidavits or take their depositions in writing and cause them to be subscribed by the parties making them.

(d) The affidavits or depositions must set forth the facts tending to establish the grounds of the application or probable cause for believing that they exist.

(e) If the judge or Magistrate is thereupon satisfied of the existence of the grounds of the application or that there is probable cause to believe their existence, he shall issue a search warrant, signed by him, to the Chief of Police of the District of Columbia or any member of the Metropolitan Police Department, the Chief or any member of the District of Columbia Housing Authority Police Department, or the Chief or any member of the United States Park Police, stating the particular grounds or probable cause for its issue and the names of the persons whose affidavits have been taken in support thereof, and commanding the Chief of Police or member of the Metropolitan Police Department, the Chief or member of the District of Columbia Housing Authority Police Department, or the Chief or member of the United States Park Police forthwith to search the place named for the property specified and to bring it before the judge or Magistrate.

(f) A search warrant may in all cases be served by any of the officers mentioned in its direction, but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

(g) The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if, after notice of his authority and purpose, he is refused admittance.

(h) The judge or Magistrate shall insert a direction in the warrant that it may be served at any time in the day or night.

(i) A search warrant must be executed and returned to the judge or Magistrate who issued it within 10 days after its date; after the expiration of this time the warrant, unless executed, is void.

(j) When the officer or the designated civilian employee of the Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police takes property under the warrant, he must give a copy of the warrant together with a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person, he must leave it in the place where he found the property.

(k) The officer or the designated civilian employee of the Metropolitan Police Department, the District of Columbia Housing Authority Police Department, or the United States Park Police must forthwith return the warrant to the judge or Magistrate and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the foot of the inventory and taken before the judge or Magistrate at the time, to the following in effect: “I, _____, the officer by whom this warrant was executed, do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant.”

(l) The judge or Magistrate must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken and to the applicant for the warrant.

(m) The judge or Magistrate must annex the affidavits, search warrant, return, inventory, and evidence, and at once file the same, together with a copy of the record of his proceedings, with the Clerk of the Superior Court of the District of Columbia.

(n) Whoever shall knowingly and willfully obstruct, resist, or oppose any such officer or person in serving or attempting to serve or execute any such search warrant, or shall assault, beat, or wound any such officer or person, knowing him to be an officer or person so authorized, shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 2 years.

(June 20, 1938, 52 Stat. 792, ch. 532, § 14; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 24, 1956, 70 Stat. 620, ch. 676, title III, § 301(k); July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Aug. 5, 1981, D.C. Law 4-29, § 604(b)(4), 28 DCR 3081; Nov. 17, 1981, D.C. Law 4-52, § 3(d), 28 DCR 4348; Aug. 2, 1983, D.C. Law 5-24, § 14, 30 DCR 3341; May 10, 1989, D.C. Law 7-231, § 42(b), 36 DCR 492; June 13, 1990, D.C. Law 8-138, § 4, 37 DCR 2638; Mar. 7, 1991, D.C. Law 8-227, § 3, 38 DCR 224; June 12, 1999, D.C. Law 12-284, § 11, 46 DCR 1328; Apr. 12, 2005, D.C. Law 15-337, § 3, 52 DCR 2278; June 11, 2013, D.C. Law 19-317, § 252(f), 60 DCR 2064.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1,000” in (n).

Emergency legislation.

For temporary (90 days) amendment of this section, see the second § 252 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20

DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was

assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 10. DRUG FREE ZONES.

Sec.
48-1005. Penalties.

§ 48-1005. Penalties.

Any person who violates § 48-1004 shall, upon conviction, be subject to a fine of not more than the amount set forth in § 22-3571.01, imprisonment for not more than 180 days, or both.

(June 3, 1997, D.C. Law 11-270, § 6, 43 DCR 4493; June 11, 2013, D.C. Law 19-317, § 253, 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$300”.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 253 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality

Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

LAW REVIEWS AND JOURNAL COMMENTARIES

Retribution or Rehabilitation? The Addict Exception and Mandatory Sentencing After Grant v. United States and the District of

Columbia Controlled Substances Amendment Act of 1986. 37 Cath.U.L.Rev. 733, (1988).

CHAPTER 11. DRUG PARAPHERNALIA.

Subchapter I. General

Sec.
48-1103. Prohibited acts.

*Subchapter I. General.***§ 48-1103. Prohibited acts.**

(a) Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inhale, ingest, or otherwise introduce into the human body a controlled substance. Whoever violates this subsection shall be imprisoned for not more than 30 days or fined for not more than the amount set forth in § 22-3571.01, or both.

(b) Except as authorized by Chapter 16B of Title 7 [§ 7-1671.01 et seq.], it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Whoever violates this subsection shall be imprisoned for not more than 6 months or fined not more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.

(c) Any person 18 years of age or over who violates subsection (b) of this section by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his or her junior is guilty of a special offense and upon conviction may be imprisoned for not more than 8 years, fined not more than the amount set forth in § 22-3571.01, or both.

(d) Where the violation of the section involves the selling of drug paraphernalia by a commercial retail or wholesale establishment, the court shall revoke the license of any licensee convicted of a violation of this section and the certificate of occupancy for the premises.

(e)(1) Except as provided in paragraphs (2), (3), and (3A) of this subsection, it is unlawful to sell the following products in the District of Columbia:

(A) Cocaine free base kits;

(B) Glass or ceramic tubes less than 6 inches in length and 1 inch in diameter sold or possessed with or without any screen-like device;

(C) Cigarette rolling papers; and

(D) Cigar wrappers, including blunt wraps.

(2) A commercial retail or wholesale establishment may sell cigarette rolling papers if the establishment:

(A) Derives at least 25% of its total annual revenue from the sale of tobacco products; and

(B) Sells loose tobacco intended to be rolled into cigarettes or cigars.

(3) A wholesaler may sell cigarette rolling papers to retail establishments described in paragraph (2) of this subsection.

(3A) A cultivation center or dispensary may sell cigarette rolling papers in accordance with Chapter 16B of Title 7 [§ 7-1671.01 et seq.].

(4) A person who violates this subsection shall be imprisoned for not more than 180 days or fined not more than the amount set forth in § 22-3571.01, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in § 22-3571.01, or both.

(Sept. 17, 1982, D.C. Law 4-149, § 4, 29 DCR 3369; Mar. 14, 1985, D.C. Law 5-159, § 14, 32 DCR 30; June 13, 1990, D.C. Law 8-138, § 3(b), 37 DCR 2638; Apr. 9, 1997, D.C. Law 11-213, § 2(c), 43 DCR 4990; Apr. 24, 2007, D.C. Law 16-306, § 227(c), 53 DCR 8610; July 23, 2010, D.C. Law 18-189, § 5(b), 57 DCR 3019; July 27, 2010, D.C. Law 18-210, § 3(d), 57 DCR 4798; Sept. 26, 2012, D.C. Law 19-171, § 138, 59 DCR 6190; June 11, 2013, D.C. Law 19-317, § 254, 60 DCR 2064.)

Section references. — This section is referenced in § 7-403, § 48-1102, § 48-1103.01, § 48-1104, and § 48-1201.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted “paragraphs (2), (3), and (3A) of this subsection” for “paragraphs (2), (3) and (4) of this subsection” in (e)(1); and validated a previously made technical correction in (e)(3A).

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$100” in (a); in (b), substituted the first occurrence of “not more than the amount set forth in § 22-3571.01” for “for not more than \$1,000” and the second occurrence for “not more than \$5,000”; substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$15,000” in (c); and, in (e)(4), substituted the first occurrence of “not more than the amount set forth in § 22-3571.01” for “for not more than \$1,000” and the second occurrence for “not more than \$5,000”.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 254 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CASE NOTES

Weight and sufficiency of evidence.

Evidence was sufficient to show that defendant constructively possessed drugs and drug paraphernalia, as would support convictions for possession of cocaine and possession of drug paraphernalia; when police ultimately forced their way into apartment after knocking and receiving no response, defendant was in kitchen, along with 27.2 grams of cocaine and

digital scales, defendant acknowledged that he resided in apartment where search warrant was executed, and near bed in living room, where defendant indicated he resided, police recovered mail addressed to defendant, photos of defendant, and a bag of cocaine inside a pair of pants. *Ramirez v. U.S.*, 2012 WL 3513097 (2012).

TITLE 49. MILITARY.

SUBTITLE III. MILITARY COMPACTS.

Chapter

11. Interstate Compact on Educational Opportunity for Military Children.

SUBTITLE III. MILITARY COMPACTS.

CHAPTER 11. INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.

Sec.	Sec.
49-1101.01. Adoption of Compact.	49-1101.12. Rulemaking functions of the Interstate Commission.
49-1101.02. Purpose and policy.	49-1101.13. Oversight, enforcement, and dispute resolution.
49-1101.03. Definitions.	49-1101.14. Financing of the Interstate Commission.
49-1101.04. Applicability.	49-1101.15. Local agency participation.
49-1101.05. Educational records and enrollment.	49-1101.16. Member states, effective date, and amendment.
49-1101.06. Placement and attendance.	49-1101.17. Withdrawal and dissolution.
49-1101.07. Eligibility for enrollment.	49-1101.18. Severability and construction.
49-1101.08. Graduation.	49-1101.19. Binding effect of compact and other laws.
49-1101.09. Interstate Commission on Educational Opportunity for Military Children.	49-1101.20. District of Columbia State Interstate Compact Council.
49-1101.10. Powers and duties of the Interstate Commission.	
49-1101.11. Organization and operation of the Interstate Commission.	

§ 49-1101.01. Adoption of Compact.

The District of Columbia adopts the Interstate Compact on Educational Opportunity for Military Children.

(May 1, 2013, D.C. Law 19-304, § 2, 60 DCR 2717.)

Legislative history of Law 19-304. — Law 19-304, the “Interstate Compact on Educational Opportunity for Military Children Establishment Act of 2012,” was introduced in Council and assigned Bill No. 19-328. The Bill was adopted on first and second readings on December 4, 2012 and December 18, 2012, respectively. Returned without signature by the Mayor on February 11, 2013, it was assigned Act No. 19-671 and transmitted to Congress for its review. D.C. Law 19-304 became effective on May 1, 2013.

§ 49-1101.02. Purpose and policy.

It is the purpose of the Interstate Compact on Educational Opportunity for Military Children to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

(1) Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the

transfer of educational records from the previous school district or variations in entrance or age requirements;

(2) Facilitating the student-placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

(3) Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

(4) Facilitating the on-time graduation of children of military families;

(5) Providing for the promulgation and enforcement of administrative rules implementing the provisions of the Interstate Compact on Educational Opportunity for Military Children;

(6) Providing for the uniform collection and sharing of information between and among member states, schools, and military families;

(7) Promoting coordination between the Interstate Compact on Educational Opportunity for Military Children and other compacts affecting military children; and

(8) Promoting flexibility and cooperation between the educational system, parents, and students to achieve educational success for the students.

(May 1, 2013, D.C. Law 19-304, § 3, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.03. Definitions.

For the purposes of this chapter, unless the context clearly requires a different construction, the term:

(1) “Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. §§ 1209 and 1211.

(2) “Children of military families” means school-aged children, enrolled in Kindergarten through 12th grade in the household of an active duty member.

(3) “Compact” means the Interstate Compact on Educational Opportunity for Military Children.

(4) “Compact commissioner” means the voting representative of each compacting state appointed pursuant to § 49-1101.09.

(5) “Deployment” means the period one month before a service member’s departure from the home station on military orders through 6 months after return to the home station.

(6) “Educational records” means those official records, files, and data directly related to a student and maintained by the school or local education agency, including records encompassing all the material kept in the student’s cumulative folder such as general identifying data, records of attendance, records of academic work completed, records of achievement, and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

(7) “Extracurricular activities” means a voluntary activity sponsored by

the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

(8) “Interstate Commission on Educational Opportunity for Military Children” means the commission that is created in § 49-1101.09, generally referred to as the Interstate Commission.

(9) “Local education agency” means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through 12th grade public educational institutions.

(10) “Member state” means a state that has enacted this compact.

(11) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility that is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory. The term does not include any facility used primarily for civil works, river and harbor projects, or flood-control projects.

(12) “Non-member state” means a state that has not enacted this compact.

(13) “Receiving state” means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

(14) “Rule” means a written statement by the Interstate Commission promulgated pursuant to § 49-1101.12 that is of general applicability and implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

(15) “Sending state” means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

(16) “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. Territory.

(17) “State Council” means the District of Columbia Educational Opportunity for Military Children State Council established in § 49-1101.20.

(18) “Student” means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in a grade from kindergarten through 12th grade.

(19) “Transition” means:

(A) The formal and physical process of transferring from school to school; or

(B) The period of time in which a student moves from one school in the sending state to another school in the receiving state.

(20) “Uniformed services” means the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

(21) “Veteran” means a person who served in the uniformed services and who was discharged or released under conditions other than dishonorable.

(May 1, 2013, D.C. Law 19-304, § 4, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.04. Applicability.

(a) Except as otherwise provided in subsection (b) of this section, this compact shall apply to the children of:

- (1) Active duty members of the uniformed services;
- (2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
- (3) Members of the uniformed services who have died on active duty or as a result of injuries sustained on active duty for a period of one year after death.

(b) The provisions of this compact shall only apply to local education agencies as defined in this compact.

- (c) The provisions of this compact shall not apply to the children of:
- (1) Inactive members of the National Guard and military reserves;
 - (2) Members of the uniformed services now retired, except as provided in subsection (a) of this section;
 - (3) Veterans of the uniformed services, except as provided in subsection (a) of this section; or
 - (4) Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

(May 1, 2013, D.C. Law 19-304, § 5, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.05. Educational records and enrollment.

(a) If official educational records cannot be released to the parents of a student for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

(b) Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student’s official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official educational record to the school in the receiving state within 10 days or within

such time as is reasonably established under the rules promulgated by the Interstate Commission.

(c) Compacting states shall give students 30 days from the date of enrollment, or such time as is reasonably established under the rules promulgated by the Interstate Commission, to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days, or within such time as is reasonably established under the rules promulgated by the Interstate Commission.

(d) Students shall be allowed to continue their enrollment at the grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

(May 1, 2013, D.C. Law 19-304, § 6, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.06. Placement and attendance.

(a)(1) When a student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes Honors, International Baccalaureate, Advanced Placement, vocational, and technical and career-pathways courses.

(2) Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in a course.

(b) The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include gifted and talented programs and English-as-a-second-language programs. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(c)(1) In compliance with the federal requirements of the Individuals with Disabilities Education Improvement Act, approved December 3, 2004 (118 Stat. 2647; 20 U.S.C. § 1400 et seq.), the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program; and

(2) In compliance with the requirements of section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. § 794), and with Title II of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 327; 42 U.S.C. §§ 12131-12165), the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This requirement does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

(d) Local education agency administrative officials shall have flexibility in waiving course and program prerequisites and other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

(e) A student whose parent, or legal guardian, is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat-support posting shall be granted additional excused absences at the discretion of the local education agency to visit with his or her parent or legal guardian based on the leave or deployment of the parent or guardian.

(May 1, 2013, D.C. Law 19-304, § 7, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.07. Eligibility for enrollment.

(a) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(b) A local education agency shall be prohibited from charging local tuition to a transitioning student placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(c) A transitioning student placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(d) State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified to be included.

(May 1, 2013, D.C. Law 19-304, § 8, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.08. Graduation.

(a) To facilitate the on-time graduation of children of military families, states and local education agencies shall adopt the following procedures:

(1) Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for the denial of a waiver. If a waiver is not granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means for the student to acquire the required coursework so that his or her graduation may occur on time.

(2) States shall accept:

(A) Exit or end-of-course exams required for graduation from the sending state;

(B) National norm referenced achievement tests; or

(C) Alternative testing, in lieu of testing requirements for graduation in the receiving state. If the above-referenced alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of subsection (b) of this section shall apply.

(b) Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. If one of the states in question is not a member of this compact, the member state shall use its best efforts to facilitate the on-time graduation of the student in accordance with subsection (a) of this section.

(May 1, 2013, D.C. Law 19-304, § 9, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.09. Interstate Commission on Educational Opportunity for Military Children.

(a) The member states hereby create the Interstate Commission on Educational Opportunity for Military Children. The activities of the Interstate Commission are the formation of public policy and are a discretionary state function.

(b) The Interstate Commission shall:

(1) Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth in this chapter, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

(2) Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner;

(3) Consist of ex-officio, non-voting representatives who are members of interested organizations, which, as defined in the bylaws, may include members of:

- (A) The representative organizations of military family advocates;
- (B) Local education agency officials;
- (C) Parent and teacher groups;
- (D) The U.S. Department of Defense;
- (E) The Education Commission of the States;
- (F) The Interstate Agreement on Qualification of Educational Personnel; and
- (G) Other interstate compacts affecting the education of children of military members;

(4) Meet at least once each calendar year; provided, that chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(5) Establish an executive committee, which shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session and whose members shall:

(A) Include the officers of the Interstate Commission, and such other members of the Interstate Commission as determined by the bylaws, and a delegate of the U.S. Department of Defense, who shall serve as an ex-officio, nonvoting member;

(B) Serve a one-year term and be entitled to one vote each; and

(C) Oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as considered necessary;

(6) Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying; provided, that it may exempt from disclosure, information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

(7) Give public notice of all meetings and conduct all meetings open to the public, except as set forth in the rules or as otherwise provided in the compact; provided, that the Interstate Commission and its committees may close a meeting, or a portion thereof, when it determines by two-thirds vote that an open meeting would be likely to:

(A) Relate solely to the Interstate Commission's internal personnel practices and procedures;

(B) Disclose matters specifically exempted from disclosure by federal and state statute;

(C) Disclose trade secrets or commercial or financial information that is privileged or confidential;

(D) Involve accusing a person of a crime or formally censuring a person;

(E) Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(F) Disclose investigative records compiled for law enforcement purposes; or

(G) Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

(8) Cause its legal counsel, or designee, to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, that is closed pursuant to this provision;

(9) Keep minutes that shall fully and clearly describe all matters discussed in the meeting and shall provide a full and accurate summary of actions taken, and the reasons for those actions, including a description of the views expressed, the record of a roll-call vote, and the identification of all documents considered in connection with an action; provided, that all minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission;

(10) Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules, which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements; provided, that the methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and be in coordination its information functions with the appropriate custodian of records as identified in the bylaws and rules; and

(11) Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency.

(c)(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(2) A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(3) A representative shall not delegate a vote to another member state. If the compact commissioner is unable to attend a meeting of the Interstate Commission, the Mayor or the Council of the District of Columbia may delegate voting authority to another person from the District of Columbia for a specified meeting.

(4) The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication.

(d) This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

(May 1, 2013, D.C. Law 19-304, § 10, 60 DCR 2717.)

Section references. — This section is referenced in § 49-1101.03 and § 49-1101.10.

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.10. Powers and duties of the Interstate Commission.

The Interstate Commission shall have the power to:

- (1) Provide for dispute resolution among member states;
- (2) Promulgate rules and take all necessary actions to effect its goals, purposes, and obligations as enumerated in this compact; which rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;
- (3) Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the compact, its bylaws, rules, or actions;
- (4) Enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws using all necessary and proper means, including the use of the judicial process;
- (5) Establish and maintain offices, which shall be located within one or more of the member states;
- (6) Purchase and maintain insurance and bonds;
- (7) Borrow, accept, hire, or contract for services of personnel;
- (8) Establish and appoint committees, including the executive committee required by § 49-1101.09(b)(5), which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties;
- (9) Elect or appoint officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications, and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- (10) Accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same;
- (11) Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;
- (12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- (13) Establish a budget and make expenditures;
- (14) Adopt a seal and bylaws governing the management and operation of the Interstate Commission;
- (15) Report annually to the legislatures, governors, the Mayor of the District of Columbia, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year, including any recommendations that may have been adopted by the Interstate Commission;
- (16) Coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in compact activities;
- (17) Establish uniform standards for the reporting, collecting, and exchanging of data;
- (18) Maintain corporate books and records in accordance with the bylaws;

(19) Perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

(20) Provide for the uniform collection and sharing of information between and among member states and the schools and military families affected under this compact.

(May 1, 2013, D.C. Law 19-304, § 11, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.11. Organization and operation of the Interstate Commission.

(a) The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including:

(1) Establishing the fiscal year of the Interstate Commission;

(2) Establishing an executive committee, and such other committees as may be necessary;

(3) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

(4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(5) Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

(6) Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment of, and the reservation of funds for payment of, all of its debts and obligations; and

(7) Providing start-up rules for the initial administration of the compact.

(b) The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the Interstate Commission.

(c) The officers elected pursuant to subsection (b) of this section shall serve without compensation or remuneration from the Interstate Commission; provided, that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred in the performance of their responsibilities as officers of the Interstate Commission.

(d)(1) The executive committee shall have such authority and duties as may be set forth in the bylaws, which shall include:

(A) Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

(B) Overseeing an organizational structure and appropriate procedures for the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

(C) Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations to advance the goals of the Interstate Commission.

(2) The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission considers appropriate.

(3) The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission.

(4) The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

(e) The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(f)(1) The liability of the Interstate Commission's executive director and its employees or Interstate Commission representatives, acting within the scope of their employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action.

(2) Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(g) The Interstate Commission shall defend the executive director and its employees, and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

(h) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment,

including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities; provided, that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

(May 1, 2013, D.C. Law 19-304, § 12, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.12. Rulemaking functions of the Interstate Commission.

(a) The Interstate Commission shall promulgate reasonable rules to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, if the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this chapter or the powers granted pursuant to this chapter, then such exercise by the Interstate Commission shall be invalid and have no force or effect.

(b) Rules shall be made pursuant to a rulemaking process that substantially conforms to the Model State Administrative Procedure Act (1981), Uniform Laws Annotated, Vol. 15, p.1 (2000), as amended, as may be appropriate to the operations of the Interstate Commission.

(c) Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

(d) If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

(May 1, 2013, D.C. Law 19-304, § 13, 60 DCR 2717.)

Section references. — This section is referenced in § 49-1101.03.

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.13. Oversight, enforcement, and dispute resolution.

(a)(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The

provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the Interstate Commission.

(3)(A) The Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes.

(B) Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

(b)(1) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the bylaws or promulgated rules, the Interstate Commission shall:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission; provided, that the Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

(B) Provide remedial training and specific technical assistance regarding the default; and

(C) If the defaulting state fails to cure the default, terminate the defaulting state from the compact upon an affirmative vote of a majority of the member states, along with all rights, privileges, and benefits conferred by this compact from the effective date of termination.

(2) A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of the default.

(3) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Mayor and the Council, and each of the member states.

(4) The state that has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

(5) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or that has been suspended or terminated from the compact, unless it is otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state.

(6) The defaulting state may appeal the action of the Interstate Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

(c)(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes that are subject to the compact and which

may arise among member states and between member and non-member states.

(2) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

(d)(1) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) The Interstate Commission may, by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, or its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

(May 1, 2013, D.C. Law 19-304, § 14, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.14. Financing of the Interstate Commission.

(a) The Interstate Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based on a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

(c) The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same or pledge the credit of any of member state, except by and with the authority of the member state.

(d) The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and a report of the audit shall be included in and become part of the annual report of the Interstate Commission.

(May 1, 2013, D.C. Law 19-304, § 15, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.15. Local agency participation.

(a) Each member state shall, through the creation of a State Council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state’s participation in, and compliance with, this compact and Interstate Commission activities.

(b) Each member state may determine the membership of its own State Council; provided, that its membership includes:

- (1) The State Superintendent of Education;
- (2) A representative from a military installation;
- (3) One representative each from the legislative and executive branches of government; and

(4) Representatives of other offices and stakeholder groups the State Council considers appropriate.

(c) A member state that does not have a school district considered to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the State Council.

(d) The State Council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

(e) The compact commissioner responsible for the administration and management of the state’s participation in the compact, in the case of the District of Columbia, shall be appointed by the Mayor, or as otherwise determined by this member state.

(f) The compact commissioner and the appointed or designated military family education liaison shall be ex-officio members of the State Council, unless there is already a full-voting member of the State Council.

(May 1, 2013, D.C. Law 19-304, § 16, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.16. Member states, effective date, and amendment.

(a) Any state is eligible to become a member state.

(b) The compact shall become effective and binding upon legislative enactment of the compact into law by no fewer than 10 states. The effective date shall be no earlier than December 1, 2007. After December 1, 2007, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

(c) The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and

binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

(May 1, 2013, D.C. Law 19-304, § 17, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01. on Educational Opportunity for Military Children was formally adopted by 10 states in August 2008.

Editor's notes. — The Interstate Compact

§ 49-1101.17. Withdrawal and dissolution.

(a) Once effective, the compact shall continue in force and remain binding upon each and every member state; provided, that a member state may withdraw from the compact by specifically repealing the statute that enacted the compact into law.

(b) Withdrawal from this compact shall be by the enactment of a statute repealing the statute that enacted the compact into law, but the repeal shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other member jurisdiction.

(c) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt of the notice of withdrawal.

(d) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including the performance of obligations that extend beyond the effective date of withdrawal.

(e) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

(f)(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one member state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds distributed in accordance with the bylaws.

(May 1, 2013, D.C. Law 19-304, § 18, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.18. Severability and construction.

(a) The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

(b) The provisions of this compact shall be liberally construed to effectuate its purposes.

(c) Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

(May 1, 2013, D.C. Law 19-304, § 19, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.19. Binding effect of compact and other laws.

(a) Nothing in this chapter prevents the enforcement of any other law of a member state that is not inconsistent with this compact. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

(b)(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(3) If any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

(May 1, 2013, D.C. Law 19-304, § 20, 60 DCR 2717.)

Legislative history of Law 19-304. — See note to § 49-1101.01.

§ 49-1101.20. District of Columbia State Interstate Compact Council.

(a) There is established the District of Columbia Educational Opportunity for Military Children State Council. The State Council shall be composed of 7 members. The State Council shall provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, the compact. The members of the State Council shall be:

- (1) The Chairman of the Council, or his or her designee;
- (2) The Mayor, or his or her designee;
- (3) The State Superintendent of Education;
- (4) A representative from a District military installation appointed by the U.S. Department of Defense;
- (5) The Chancellor, or his or her designee;
- (6) A public charter school leader designated by the Chairman of the Public Charter School Board; and

(7) A parent representative appointed by the Mayor. (b) Five members of the State Council shall constitute a quorum for the transaction of official business and the issuance of rules and regulations.

(c)(1) The Mayor shall designate a chairman of the State Council from among its members.

(2) The State Council shall meet at least 3 times in each year on the call of its chairman or at the request of a majority of its members.

(May 1, 2013, D.C. Law 19-304, § 21, 60 DCR 2717.)

Section references. — This section is referenced in § 49-1101.03.

Legislative history of Law 19-304. — See note to § 49-1101.01.

TITLE 50. MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC.

SUBTITLE I. COMMERCIAL AND GOVERNMENT VEHICLES.

Chapter

- 2. Public-Owned Vehicles.
- 3. Regulation of Taxicabs.
- 4. Uniform Classification and Commercial Driver's License.

SUBTITLE II. CONSUMER PROTECTION.

- 6. Installment Sales of Motor Vehicles.

SUBTITLE IV. MOTORIZED VEHICLE REGISTRATION, INSPECTION, LICENSING.

- 9A. Department of Transportation.
- 11. Inspection.
- 12. Liens on Motor Vehicles or Trailers.
- 13. Motor Vehicle Owners and Operators Responsibility.
- 13A. Salvage, Flood Notification and Non-Repairable Vehicle Certification.
- 14. Operators' Permits and Identification Cards.
- 15. Registration of Motor Vehicles.

SUBTITLE V. NON-MOTORIZED VEHICLES.

- 16. Regulation of Bicycles.

SUBTITLE VI. SAFETY.

- 19. Motor Vehicle Operators; Implied Consent to Chemical Testing.
- 20. Senior Citizen Motor Vehicle Accident Prevention Course Certification.
- 21A. Safety Impact of Fine Reductions.

SUBTITLE VII. TRAFFIC.

- 22. Regulation of Traffic.
- 23. Traffic Adjudication.
- 23A. Autonomous Vehicles.

SUBTITLE VIII. VEHICLES ON PUBLIC AND PRIVATE SPACE.

- 24. Abandoned and Junk Vehicle Removal.
- 25A. Performance Parking Zones.
- 25B. Ward 1 Residential Parking.

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26. Regulation of Parking.

SUBTITLE I. COMMERCIAL AND GOVERNMENT
VEHICLES.

CHAPTER 2. PUBLIC-OWNED VEHICLES.

<i>Subchapter I. General Provisions</i>		Sec.
Sec.		50-211.02. Application; exemptions.
50-201. Distinctive markings. [Repealed].		50-211.03. Program establishment [Not funded].
50-202. Official use.		50-211.04. Program goals.
50-204. Restrictions on the Use of Official Vehicles.		50-211.05. Acquisition authority.
<i>Subchapter II. Fleet Management Administration</i>		50-211.06. Alternative fuel.
		50-211.07. Employee transportation.
50-211.01. Definitions.		

Subchapter I. General Provisions.

§ 50-201. Distinctive markings. [Repealed].

Repealed.

(Mar. 3, 1917, 39 Stat. 1010, ch. 160; Mar. 5, 2013, D.C. Law 19-223, § 202, 59 DCR 13537.)

Legislative history of Law 19-223. — Law 19-223, the “Employee Transportation Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-354. The Bill was adopted on first and second readings on July 10, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Nov. 5, 2012, it was assigned Act No. 19-534 and transmitted to Congress for its review. D.C. Law 19-223 became effective on Mar. 5, 2013.

Editor’s notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

Because of the codification of D.C. Law 19-223, §§ 101 to 107 as subchapter II of this chapter, the preexisting text, §§ 50-201 to 50-205, has been designated as subchapter I.

§ 50-202. Official use.

All passenger motor vehicles and watercraft owned by the District of Columbia shall be operated and utilized in conformity with 31 U.S.C. §§ 1343(a) to (d), 1344, and 1349(b), and shall be under the direction and control of the Mayor of the District of Columbia. The Mayor is authorized to alter or change the assignment or direct the alteration or interchangeable use of any passenger motor vehicles or watercraft by officers and employees of the District of Columbia except as otherwise provided in such sections.

(Oct. 26, 1973, 87 Stat. 504, Pub. L. 93-140, § 2; Mar. 5, 2013, D.C. Law 19-223, § 203, 59 DCR 13537.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-223 deleted the former last sentence, which read: “Limitations on the official use of passenger motor vehicles, as set out in such sections, shall not apply to the Mayor or, with the approval of the Mayor, to officers and employees of the District government the character of whose duties make such transportation necessary.”

Legislative history of Law 19-223. — See note to § 50-201.

Editor’s notes.

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-204. Restrictions on the Use of Official Vehicles.

(a) Except as otherwise provided in this section, no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer’s or employee’s official duties. For purposes of this subsection, the term “official duties” shall not include travel between the officer’s or employee’s residence and workplace; except in the case of (1) an officer or employee of the Metropolitan Police Department who resides in the District or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the D.C. Fire and Emergency Medical Services Department who resides in the District and is on call 24 hours a day; (3) the Mayor; (4) the Chairman of the Council; (5) at the discretion of the Chief Medical Examiner, an employee of the Office of the Chief Medical Examiner who resides in the District and is on call 24 hours a day; (6) at the discretion of the Director of the Homeland Security and Emergency Management Agency, an officer or employee of the Homeland Security and Emergency Management Agency who resides in the District and is on call 24 hours a day; and (7) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District and is on call 24 hours a day.

(b)(1) No officer or employee of the executive branch of the District government, except the Mayor, shall utilize the services of any District government employee for use as a chauffeur from residence to work or vice versa, unless such use is authorized first, in writing, by the Mayor. All such authorizations and the cost thereof shall be reported to the Council on a quarterly basis and made available on the Department of Public Works’ website.

(2) No officer or employee of the executive branch of the District government, except the Mayor, shall utilize the services of any District government employee for use as a chauffeur during the work day unless such use is authorized in writing, by the appropriate agency head. All such authorizations and the cost thereof, shall be reported to the Council on a quarterly basis and made available to the public on the Department of Public Works’ website.

(3) No District employee shall offer or accept, as a perquisite of employment in hiring or contract negotiation, an assigned chauffeur.

(c)(1) The Director shall make available on the Department of Public Works’ website an inventory of vehicles owned, leased, or otherwise controlled by the District government, or any of its entities, excluding vehicles falling under the guidelines of paragraph (4) of this subsection, as of the end of the fiscal year. The inventory shall be distributed to the Council and made available to the

public on the Department of Public Works’ website by December 15 of each year. The inventory shall be completed annually for each fiscal year ending on September 30 and shall be distributed to the Council and made available to the public on the Department of Public Works’ website by December 15 of the next fiscal year.

(2) The inventory shall include the following for each vehicle:

- (A) The agency to which it is assigned;
- (B) Its year, make, and vehicle tag number;
- (C) Its acquisition date and cost;
- (D) Its general condition;
- (E) Its annual operating and maintenance costs;
- (F) Its approximate current mileage; and

(G) Whether it is allowed to be taken home by a District officer or employee and if so, the officer or employee’s title and state of residence, and a written justification explaining the public interest served by allowing the employee to take a vehicle to the employee’s residence.

(3) The Director shall update the inventory on a quarterly basis to reflect any changes in fleet composition resulting from vehicle acquisition through purchase, lease, or transfer or disposed of through sale, demolition, disposal, or transfer.

(4) The Metropolitan Police Department may submit, under separate seal, the total number and acquisition cost of vehicles used for undercover operations directly to the Chairman of the Council, the chair of the Council committee with oversight of the Metropolitan Police Department, and the chair of the Council committee with oversight of the Department of Public Works.

(d) [Not funded].

(Oct. 19, 2000, D.C. Law 13-172, § 3602, 47 DCR 6308; Mar. 5, 2013, D.C. Law 19-223, § 201, 59 DCR 13537.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-223 rewrote the section.

Legislative history of Law 19-223. — See note to § 50-201.

Editor’s notes.

Section 401 of D.C. Law 19-223 provided that

§§ 103, 105(c), and 201(d) of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

Subchapter II. Fleet Management Administration.

§ 50-211.01. Definitions.

For the purposes of this subchapter, the term:

(1) “Alternative fuel” means fuels defined as alternative fuels by 42 U.S.C. § 13211(2).

(2) “Bikeshare” means the Capital Bikeshare program or its successor programs that allow point-to-point bicycle sharing at stations throughout the District

(3) “Chauffeur” means a District employee who is assigned the official

duty of regularly driving a supervising employee to and from the employee's home, appointments, or work sites, and who does not have an official purpose for travel beyond driving the supervising employee.

(4) "Compact vehicle" means a vehicle with an interior volume index greater than or equal to 100 cubic feet but less than 110 cubic feet as set forth in the description of a compact car as defined by the vehicle class size set forth in 40 C.F.R. § 600.315-08 (a)(1)(iv), approved December 27, 2006.

(5) "Director" means the Director of the Department of Public Works or the Director's designee.

(6) "DPW" means the Department of Public Works.

(7) "Emergency vehicle" means a vehicle authorized by the District to exceed the speed limit to transport people or equipment to and from situations in which speed is required to save lives or property and that is equipped with audible and visual signals capable of being seen and heard from a distance of not less than 500 feet.

(8) "Fleetshare" means the District's centrally managed motor pool of passenger vehicles that are available for District employee use for official purposes through advance reservation and billed to the agency according to use.

(9) "Fuel economy" means the average number of miles traveled by an automobile for each gallon of gasoline (or equivalent amount of other fuel) used, as determined by the Administrator of the Environmental Protection Agency.

(10) "Heavy equipment" means vehicles or vehicle attachments that cannot be classified as either passenger or non-passenger vehicles and that are used to perform road maintenance, construction, earth-moving, or another specialized function.

(11) "Large vehicle" means a vehicle with an interior volume index greater than or equal to 120 cubic feet as set forth in the description of a large car as defined by the vehicle class size set forth in 40 C.F.R. § 600.315-08(a)(1)(vi), approved December 27, 2006.

(12) "Passenger vehicle" means any automobile, other than an automobile designed for off-highway operation, manufactured primarily for the transportation of no more than 15 individuals.

(13) "Specialized vehicle" means a vehicle uniquely outfitted for service based on an agency's mission.

(14) "Vehicle" means an automobile or motorcycle classified for on-Highway operation, excluding a sub-class generally considered to be a specialized vehicle or heavy equipment. The term "vehicle" shall not mean bicycles, pedicycles, personal mobility devices such as Segways or motorized wheelchairs, or other non-motorized conveyances.

(Mar. 5, 2013, D.C. Law 19-223, § 101, 59 DCR 13537.)

Legislative history of Law 19-223. — Law 19-223, the "Employee Transportation Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-354. The Bill was adopted on first and second readings on July

10, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Nov. 5, 2012, it was assigned Act No. 19-534 and transmitted to Congress for its review. D.C. Law 19-223 became effective on Mar. 5, 2013.

Editor’s notes. — Section 301 of D.C. Law 19-223 provided:

“Rules.

“(a)(1) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.), shall issue rules to implement the provisions of this act within 120 days of its effective date [March 5, 2013].

“(2) The proposed rules, and any subsequent amendments, shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve

or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

“(b) The existing rules regarding fleet management in the District, to the degree that they are consistent with this act, shall remain in effect until they are superseded by rules issued in accordance with subsection (a) of this section.”

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.02. Application; exemptions.

(a) Except as provided in subsection (b) of this section, this subchapter shall apply to all subordinate agencies.

(b) The following subordinate agencies are exempt from §§ 50-211.03, 50-211.04, 50-211.05, 50-211.06, and 50-211.07 and shall designate their own fleet managers to perform fleet management functions:

- (1) The Metropolitan Police Department for all vehicles;
- (2) The Department of Corrections for specialized vehicles;
- (3) The Fire and Emergency Medical Services Department for emergency and specialized vehicles;
- (4) The Office of the State Superintendent of Education for student transportation vehicles;
- (5) The Office of the Chief Medical Examiner for specialized vehicles;
- (6) The Homeland Security and Emergency Management Agency for specialized vehicles;
- (7) The Department of Youth Rehabilitation Services for specialized vehicles;
- (8) The District Department of Transportation for specialized vehicles;
- (9) The Department of Parks and Recreation for specialized vehicles;
- (10) The Department of General Services for specialized vehicles; and
- (11) The District of Columbia Taxicab Commission for specialized vehicles.

(c)(1) The Council is exempt from § 50-211.05(a) and may procure its own vehicles; provided, that the procurement complies with §§ 50-211.05(b) and 50-211.05(c).

(2) The Council shall designate its own fleet manager to perform fleet procurement and management functions set forth in §§ 50-211.03, 50-211.04, and 50-211.05.

(3) The Mayor or the Director shall not have the authority to monitor, review, or establish standards, procedures, regulations, or rules for the procurement or management of vehicles by the Council or Council employees, unless the Council enters into a memorandum of understanding with DPW for procurement and management of its vehicles under the Fleetshare program.

(d)(1) An independent agency or instrumentality that owns or leases 10 or fewer vehicles may:

(A) Designate its own fleet manager to perform fleet procurement and management functions set forth in §§ 50-211.03, 50-211.04, and 50-211.05; or

(B) Establish a memorandum of understanding with DPW for procurement and management of its vehicles.

(2) An independent agency or instrumentality that owns or leases more than 10 vehicles:

(A) Shall comply with § 50-211.05 and procure vehicles through the Director; and

(B)(i) May designate its own fleet manager to perform the Director's fleet management functions set forth in §§ 50-211.03 and 50-211.04; or

(ii) May establish a memorandum of understanding with DPW for management of its vehicles.

(e) This subchapter shall not be construed to affect or limit the powers or duties of the Chief Procurement Officer as set forth in Chapter 3A of Title 2 [§ 2-351.01 et seq.].

(Mar. 5, 2013, D.C. Law 19-223, § 102, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.05.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law

19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.03. Program establishment [Not funded].

[Not funded].

(Mar. 5, 2013, D.C. Law 19-223, § 103, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law

19-223 provided that §§ 103, 105(c), and 201(d) of the act shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.

§ 50-211.04. Program goals.

(a) The Director, in coordination with the District Department of Transportation ("DDOT") and other agencies, shall balance the following goals in performing the Director's responsibilities:

(1) Providing vehicles that meet the mission of the client agency;

(2) Enhancing the overall cost and energy efficiency of the District government's vehicle fleet;

(3) Reducing the total number of passenger vehicles in the standing fleet and reduce their use;

(4) Encouraging transit use and multimodal transportation;

(5) Promoting the use of Bikeshare for work-related travel;

(6) Promoting the use of taxicabs for trips where the cost of a taxi would be less than the cost of using a government vehicle;

(7) Ensuring timely reimbursement for work-related transportation expenses incurred by employees;

§ 50-211.05 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

(8) Reducing total fuel use, improving fleet fuel economy, and promoting the use of alternative fuels;

(9) Diversifying the range of fuels used for transportation within the District;

(10) Using the District's purchasing power to facilitate the availability of alternative fuels for use in private fleets and personal vehicles;

(11) Meeting or exceeding the requirements of section 507 of the Energy Policy Act of 1992, approved October 24, 1992 (106 Stat. 2891; 42 U.S.C. § 13257) and associated regulations; and

(12) When vehicle acquisition is necessary, acquiring a vehicle with the lowest real cost of ownership.

(b) Factors to consider in determining the real cost of ownership for the purpose of subsection (a)(12) of this section shall include:

- (1) The sales price of vehicle;
- (2) The projected vehicle life;
- (3) The projected fuel costs;
- (4) The projected operation costs;
- (5) The projected maintenance costs; and
- (6) The vehicle emissions.

(Mar. 5, 2013, D.C. Law 19-223, § 104, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law

19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.05. Acquisition authority.

(a) Other than the Director and the entities exempt under § 50-211.02(b), (c), and (d)(1), no District entity, subdivision, or agency shall execute an agreement to purchase, lease, or otherwise acquire a vehicle for District government use; provided, that the Director may delegate the authority to acquire a specialized vehicle, emergency vehicle, heavy equipment, or non-passenger vehicle to another subordinate agency.

(b) Passenger vehicles acquired by the District shall be compact vehicles or smaller, except where the Director provides a written finding that these vehicles cannot meet the specific mission needs.

(c) [Not funded].

(Mar. 5, 2013, D.C. Law 19-223, § 105, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 103, 105(c), and 201(d) of the act shall apply upon the inclusion of their

fiscal effect in an approved budget and financial plan.

Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.06. Alternative fuel.

(a) On or before April 15, 2013, the Mayor shall transmit to the Council a plan to expand the use of alternative fuels in District government vehicles, whether through the use of government-owned fueling stations or privately operated fueling stations.

(b) In developing this plan, consideration should be given to requiring fueling stations that sell fuel to the District to:

- (1) Provide at least one alternative fuel;
- (2) Use industry standard fueling equipment that is compatible with existing government vehicles; and
- (3) Sell alternative fuels to the general public.

(Mar. 5, 2013, D.C. Law 19-223, § 106, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-221.

Editor's notes. — Section 401 of D.C. Law

19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5, 2013.

§ 50-211.07. Employee transportation.

(a) On or before December 31, 2012, the Mayor shall transmit a report to the Council discussing:

- (1) How District government employees travel within the Washington, D.C. metropolitan region for work-related business;
- (2) How the cost of work-related travel could be decreased;
- (3) Whether the use of alternative transportation, such as Washington Metropolitan Area Transit Authority (“WMATA”) services, Circulator, Bikeshare, and taxicabs by District government employees for work-related business could be increased and, if so, how; and
- (4) Which District agencies offer transit benefits to employees, and to which employees.

(b) On or before March 15, 2013, the Members of the Council shall submit and the Secretary to the Council shall compile a report to the Council discussing:

- (1) How Council employees travel within the District for work-related business;
- (2) How the cost of work-related travel could be decreased;
- (3) Whether the use of alternative transportation, such as WMATA services, Circulator, Bikeshare, and taxicabs by Council employees for work-related business could be increased and, if so, how; and
- (4) Whether the Council offers transit benefits to employees.

(Mar. 5, 2013, D.C. Law 19-223, § 107, 59 DCR 13537.)

Section references. — This section is referenced in § 50-211.02.

Legislative history of Law 19-223. — See note to § 50-211.01.

Editor's notes. — Section 401 of D.C. Law 19-223 provided that §§ 101, 102, 104, 105(a), 105(b), 106, 107, 201(a), 201(b), 201(c), 202, 203, and 301 of the act shall apply as of Mar. 5,

2013.

CHAPTER 3. REGULATION OF TAXICABS.

<i>Subchapter I. General</i>	
Sec.	Sec.
50-301. Findings.	50-317. Rate proceeding; standard for rate structure.
50-302. Purposes.	50-319. Regulation of taxicab operation and license requirement.
50-303. Definitions.	50-320. Public Vehicles-for-Hire Consumer Service Fund.
50-304. District of Columbia Taxicab Commission — Established.	50-324. Wheelchair-Accessible Taxicab Promotion Fund. [Repealed].
50-305. District of Columbia Taxicab Commission — Membership; appointment; terms; chairperson.	50-325. Accessible taxicabs.
50-306. District of Columbia Taxicab Commission — Organization.	50-326. Modernization of taxicabs.
50-307. Duties of Commission; jurisdiction; powers.	50-327. Fuel-efficient taxicabs.
50-307.01. GPS data use feasibility assessment.	50-328. Loitering of public vehicles-for-hire.
50-307.02. Reciprocal agreements.	50-329. Public vehicles-for-hire, exclusive of taxicabs and limousines.
50-308. Panel on Rates and Rules; quorum; rule and ratemaking requirements. [Repealed].	50-329.01. Public vehicle inspection officer training.
50-309. Panel on Consumer and Industry Concerns; quorum; adjudication and rulemaking requirements. [Repealed].	50-329.02. Dispatch services.
50-309.02. Hearing examiner — appointment, powers, and duties; appeals.	50-329.03. Complaints.
50-310. Internal and procedural rules.	50-329.04. Dome light and Taxicab Smart Meter System installation businesses.
50-311. Full Commission meetings; annual report.	50-329.05. Fleeing from a public vehicle inspection officer in a public vehicle-for-hire.
50-312. Office of Taxicabs established.	
50-313. Regulation of public vehicles-for-hire.	

Subchapter III. Payment of Taxicab Charge

50-351. Payment of taxicab charge. [Repealed].

Subchapter IV. Loitering By Taxicabs

50-371. Loitering of public cabs. [Repealed].

Subchapter I. General.

§ 50-301. Findings.

The Council of the District of Columbia (“Council”) finds that:

- (1) Passenger transportation by public vehicles-for-hire, particularly by taxicabs, is an integral and important component of public transit within the District.
- (2) The business of transporting passengers and baggage for hire by taxicab is an important public interest requiring governmental supervision, regulation, and control.
- (3) The taxicab industry in the District has been and is currently marked by an absence of modern vehicles, quality service, and innovative technology.
- (4) Considering the importance of the taxicab industry to the overall public transportation system within the District, there should be established a means of funding and regulation for the furtherance of coherent, efficient, and

enforceable regulation, and for the establishment of sound taxicab transportation policy.

(5) Recommendations have been made over the course of several decades by various private and commissioned studies, task forces, public and private groups, individuals, and Congressional committees and subcommittees urging regulatory and operational reform of the taxicab industry.

(6) Based upon the consistency of recommendations made over the years relating to regulatory reform of the system of taxi supervision, and based upon the Council's own evaluation of the present structure of governmental regulation, the Council finds that improved regulatory, educational, and enforcement performance is in the public interest.

(7) The taxicab industry within the District is largely comprised of thousands of individual licensees conducting business on a self-employment basis.

(8) In view of these findings, the Council believes that the citizens of the District will benefit from the enactment of the Taxicab Service Improvement Amendment Act of 2012, effective October 22, 2013 (D.C. Law 19-184; 59 DCR 9431) [Applicable December 24, 2014].

(Mar. 25, 1986, D.C. Law 6-97, § 2, 33 DCR 703; Oct. 22, 2012, D.C. Law 19-184, § 2(a), 59 DCR 9431.)

Section references. — This section is referenced in § 22-404.02, § 22-404.03, § 47-2829, and § 47-2862.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 validated a previously made technical correction; substituted “public vehicles-for-hire, particularly by taxicabs” for “taxicab” in (1); deleted “charged with” following “is” in (2); rewrote (3)-(5); substituted “improved regulatory, educational, and enforcement performance” for “regulatory consolidation” in (6); substituted “is largely comprised” for “although impressed with certain characteristics of a public utility, is nonetheless wholly comprised” in (7); and rewrote (8).

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — Law 19-184, the “Taxicab Service Improvement Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-630. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on Aug. 21, 2012, it was assigned Act No. 19-437 and transmitted to Congress for its review. D.C. Law 19-184 became effective on Oct. 22, 2012.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor's notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-302. Purposes.

(a) In enacting this subchapter, the Council of the District of Columbia supports the following statutory purposes:

(1) To promote the public interest in taxicab transportation by insuring that all rules, regulations, and laws specifically relating to taxicabs be vigorously and fairly enforced; that discrimination in taxicab passenger service

be strictly proscribed and penalized; and that adequate and high quality taxi passenger service be provided to all quadrants and neighborhoods of the District;

(2) To promote and maintain a healthy and viable taxicab industry;

(3) To maintain a taxicab transportation system which provides owners and operators of taxicabs with reasonable and just compensation for their services, and which is reasonably priced and readily accessible in cost to a broad cross section of the public;

(4) To promote and maintain policies which:

(A) Encourage professionalism in the industry;

(B) Assure the licensure of competent and knowledgeable operators;

(C) Assure the licensure of companies and associations which render adequate and professional public service;

(D) Permit, as a result of economic feasibility and incentive, the utilization of efficient, comfortable, and current transportation equipment and technology;

(E) Utilize and promote efficient methods of taxicab passenger transportation;

(F) Foster good will and a cooperative spirit among the taxicab industry, the government, the hospitality industry, and the public;

(G) Promote policies of energy conservation, the reduction of pollution, including through the use of alternative fuel vehicle models, the reduction of traffic congestion, and policies that promote a more livable city; and

(H) Provide specific policies and programs to increase wheelchair-accessible taxicab service to the disabled throughout the District;

(5) To fund the Commission activities from a dependable, secured, and restricted fund;

(6) To improve the delivery of taxicab service to the community; and

(7) To improve the functioning of the Commission.

(b)(1) The District also determines it a matter of public policy to:

(A) Promote and encourage the meaningful participation of minorities and District residents in the District's taxi industry;

(B) Promote and encourage a healthy degree of competition within the taxi industry between taxicab companies and associations; and

(C) Assure access to the ownership of taxicabs by taxicab operators.

(2) In keeping with the policies set forth in paragraph (1) of this subsection, the Commission shall:

(A) In exercising the authority vested in it by this subchapter, and in its formulation of policy and programs, encourage and promote meaningful participation of District residents and minorities, as the term minority is defined in § 2-215.02(1) [repealed], in the ownership and operation of taxicabs, taxicab companies, and taxicab associations;

(B) Encourage a healthy degree of competition within the taxi industry between taxicab companies and associations, and shall discourage the monopolization of the taxicab industry;

(C) Issue rules and establish policies which shall assure taxicab operators continued access to the ownership of taxicabs; and

(D) Issue rules and establish policies that shall encourage taxicab operators to purchase taxicabs.

(Mar. 25, 1986, D.C. Law 6-97, § 3, 33 DCR 703; Oct. 22, 2012, D.C. Law 19-184, § 2(b), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added “the hospitality industry” in (a)(4)(F); rewrote (a)(4)(G); added (a)(4)(H); added (a)(5), (6), and (7); added (b)(2)(D); and made related changes.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-303. Definitions.

For the purposes of this subchapter, the term:

(1) “ADA” means the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 328; 42 U.S.C. § 12101 et seq.).

(2) “Alternative fuel” means advanced fuels, which can be any materials or substances that can be used as fuels, other than conventional fuels such as fossil fuels, including biodiesel, compressed natural gas, electricity, and ethanol. The term “alternative fuel” shall also apply to hybrid vehicles that use alternative forms of power such as electricity.

(3) “Capital City Plan” means the formal alphabetical and numerical pattern and layout of streets within the District’s 4 quadrants, the formal pattern and layout of avenues and circles within the District, and the formal system and pattern of addresses within the District.

(4) “CNG” means compressed natural gas.

(5) “CNG vehicle” means an automobile powered by compressed natural gas.

(6) “Commission” means the District of Columbia Taxicab Commission established by § 50-304.

(7) “Commissioner” means the Commissioner of the Department of Insurance, Securities, and Banking.

(8) “Committee” means the Disability Taxicab Advisory Committee established by § 50-325.

(9) “DDOE” means the District Department of the Environment.

(10) “Fund” means the Public Vehicles-for-Hire Consumer Service Fund established by § 50-320.

(11) “GPS” means Global Positioning Satellite.

(12) “Hospitality industry” means any person or entity involved in the operation, management, support, or ownership of a restaurant, catering

business, hotel business, conference business, travel business, tourism business, tour business, or tour guide business.

(13) “Industry member” means a person experienced in the transportation or hospitality industry.

(14) “Limousine” means a public vehicle-for-hire that operates exclusively through advanced registration, charges exclusively on the basis of time, and shall not accept street hails.

(15) “Office” means the Office of Taxicabs established by § 50-312.

(16) “Passenger surcharge” means a fee assessed to passengers for each public vehicle-for-hire ride in an amount not to exceed 50 cents.

(17) “Public vehicle-for-hire” means:

(A) Any passenger motor vehicle operated in the District by an individual or any entity that is used for the transportation of passengers for hire, including as a taxicab, limousine, or sedan; or

(B) Any other private passenger motor vehicle that is used for the transportation of passengers for hire but is not operated on a schedule or between fixed termini and is operated exclusively in the District, or a vehicle licensed pursuant to § 47-2829, including taxicabs, limousines, and sedans.

(18) “Public vehicle-for-hire industry” means all public vehicle-for-hire companies, associations, owners, and operators, or any person who, by virtue of employment or office, is directly involved in the provision of public vehicle-for-hire services within the District.

(19) “Public vehicle inspection officer” means a Commission employee trained in the laws, rules, and regulations governing public vehicle-for-hire service to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public vehicles-for-hire, pursuant to protocol prescribed by the Commission:

(20) “Sedan-class vehicle” means a public vehicle-for-hire that operates exclusively through digital dispatch, charges on the basis of time and distance, except for trips to airports, and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis, and shall not accept street hails.

(21) “Taxicab” means a public passenger vehicle-for-hire that may be hired by dispatch or hailed on the street and for which the fare charged is calculated by a Commission-approved meter with uniform rates determined by the Commission.

(22) “Taxicab association” means a group of taxicab owners organized for the purpose of engaging in the business of taxicab transportation for common benefits regarding operation, logo or insignia. An association must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by association:

(23) “Taxicab company” means any person, partnership, or corporation engaging in the business of owning and operating a fleet or fleets of taxicabs having a uniform logo or insignia. A company must have a minimum of 20 taxicabs having a uniform logo or insignia and having unified control by ownership or by the company.

(24) “Taxicab fleet” means a group of 20 or more taxicabs having a uniform logo or insignia and having unified control by ownership or by association.

(25) “Taxicab industry” means all taxicab companies, associations, owners, and operators, or any person who by virtue of employment or office is directly involved in the provision of taxicab services within the District.

(26) “Taxicab operator” means a person operating or licensed to operate a taxicab in the District of Columbia.

(27) “Taxicab owner” means a person, corporation, partnership, or association that holds the legal title to a taxicab that is required to be registered in the District. If a taxicab is the subject of an agreement for the conditional sale or lease with right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a taxicab is entitled to possession, the conditional vendee, lessee, or mortgagor shall be considered the owner for the purpose of this subchapter.

(28) “Taxicab rate structure” means the rates, fares, charges, and methodologies used to determine the price of taxicab service.

(29) “Taxicab service” means passenger transportation service originating in the District in which the passenger directs the points between which the service is to be provided, the service is provided at a time chosen by the passenger, and the fare and fees for which are prescribed by the Commission.

(30) “Underserved area” means a designated zone, as determined by the Commission, with an established need for greater taxicab service.

(31) “Washington Metropolitan Area” means the area encompassed by the District; Montgomery County, Prince George’s County, and Frederick County in Maryland; Arlington County, Fairfax County, Loudon County, and Prince William County, and the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park in Virginia.

(32) “Wheelchair-accessible vehicle” means a vehicle compliant with the ADA that accommodates a passenger using a wheelchair or other personal mobility device who needs a ramp or lift to enter or exit the vehicle. The vehicle must comply with the provisions of 49 C.F.R. Part 38.1 — 38.39.

(Mar. 25, 1986, D.C. Law 6-97, § 4, 33 DCR 703; Feb. 24, 1987, D.C. Law 6-165, § 3(a), 33 DCR 6705; May 21, 1997, D.C. Law 11-268, § 10(ii)(1), 44 DCR; Oct. 22, 2012, D.C. Law 19-184, § 2(c), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(a), 60 DCR 1717.)

Section references. — This section is referenced in § 22-404.02, § 22-404.03, and § 50-2201.03.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 rewrote the section.

The 2013 amendment by D.C. Law 19-270 substituted “through digital dispatch, charges on the basis of time and distance, except for trips to airports, and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis” for “through dispatch, charges exclusively on the basis of time and distance” in (20).

Emergency legislation. — For temporary

(90 day) amendment of section, see § 2(a) of the Taxicab Service Improvement Emergency Amendment Act of 2012 (D.C. Act 19-403, July 24, 2012, 59 DCR 9116).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014

Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — Law 19-270, the “Sedan Class Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-892. The Bill was adopted on first and second readings on Nov. 15, 2012, and Dec 4, 2012, respectively. Signed by the Mayor on Jan. 18, 2013, it was assigned Act No. 19-631 and transmitted to Congress for its review. D.C. Law 19-270 became effective on April 23, 2013.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the

act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-304. District of Columbia Taxicab Commission — Established.

There is established the District of Columbia Taxicab Commission as a subordinate agency within the executive branch of the District government with exclusive authority for intrastate regulation of the public-vehicle-for-hire industry as provided herein.

(Mar. 25, 1986, D.C. Law 6-97, § 5, 33 DCR 703; Oct. 22, 2012, D.C. Law 19-184, § 2(d), 59 DCR 9431.)

Section references. — This section is referenced in § 50-303.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 substituted “public-vehicle-for-hire industry” for “taxicab industry”.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-305. District of Columbia Taxicab Commission — Membership; appointment; terms; chairperson.

(a) The Commission shall consist of 9 members. Five of the members, who shall be public members, shall be appointed by the Mayor with the advice and consent of the Council, and shall be drawn from the public at large. Three of the members, who shall be industry members, shall be appointed by the Mayor

with the advice and consent of the Council, and shall have experience in the field of transportation administration or regulation, the hospitality industry, public safety, or taxicab management or operations in the District. The remaining member of the Commission shall be appointed by the Mayor with advice and consent of the Council and shall serve as chairperson of the Commission. The chairperson shall have experience in the field of transportation administration or regulation. The Mayor shall transmit to the Council, for a 90-day period of review, excluding days of Council recess, a nominee for member or chairperson. If the Council does not approve the nomination by resolution within this 90-day review period, the nomination shall be deemed disapproved.

(b) All members of the Commission, except for the chairperson who shall serve at the pleasure of the Mayor, shall be appointed for terms of 5 years.

(c)(1) Each member shall serve until the appointment and qualification of a successor. No member shall serve more than 2 consecutive terms, which shall not include an appointment to fill a vacancy due to removal, resignation, or death of a member. The Mayor may remove any member for cause, except for the chairperson who shall serve at the pleasure of the Mayor. An appointment to fill a vacancy occurring during a term due to removal, resignation or death of a member shall be made in the same manner as other appointments and for the remainder of the unexpired term. Public and industry members shall be entitled to compensation pursuant to § 1-611.08(c)(2)(K).

(2) Public and industry members of the Commission may be compensated for physically attending official meetings of the Commission or a Panel of the Commission convened in accordance with Title 31 of the District of Columbia Municipal Regulations; provided, that the compensation has been approved by the Chairperson. To be entitled to compensation, members shall:

(A) Be present for roll call at the beginning and the end of Commission and Panel meetings; and

(B) Personally sign-in at the beginning and sign-out at the end of Commission and Panel meetings.

(d) Pursuant to § 1-604.06 and subchapter IX of Chapter 6 of Title 1, the chairperson of the Commission shall be its chief administrative officer and shall have charge of the organization of the Commission and its panels, and shall superintend the duties of the Commission staff in carrying out the purposes and provisions of this subchapter. The chairperson shall be a public officer of the District who shall devote full time to the affairs of the Commission, and shall receive compensation commensurate with his or her duties and responsibilities established by this subchapter. The salary of the chairperson shall be determined by the Mayor.

(e) The Chairperson of the Commission shall appoint the Secretary to the Commission.

(Mar. 25, 1986, D.C. Law 6-97, § 6, 33 DCR 703; Feb. 24, 1987, D.C. Law 6-165, § 3(b), 33 DCR 6705; Oct. 7, 1987, D.C. Law 7-31, § 7, 34 DCR 3789; Apr. 9, 1997, D.C. Law 11-198, § 501(a), 43 DCR 4569; June 12, 1999, D.C. Law 12-285, § 4(f), 46 DCR 1355; Oct. 1, 2002, D.C. Law 14-190, § 2602(a), 49 DCR 6968; Oct. 22, 2012, D.C. Law 19-184, § 2(e), 59 DCR 9431.)

Section references. — This section is referenced in § 1-611.08.

Effect of amendments.

The 2012 amendment by D.C. Law 19-184, in (a), substituted “the field of transportation administration or regulation, the hospitality industry, public safety, or taxicab management or operations” for “taxicab industry operations” in the second sentence, and deleted the last sentence; substituted “Commission staff” for “Chief of the Office” in (d); and added (e).

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title.

Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes.

Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-306. District of Columbia Taxicab Commission — Organization.

The Commission may organize task-specific panels as its needs dictate. All acts and orders issued by a panel shall be ratified by a majority of the appointed members of the Commission before taking effect.

(Mar. 25, 1986, D.C. Law 6-97, § 7, 33 DCR 703; May 10, 1988, D.C. Law 7-109, § 2(a), 35 DCR 2181; Apr. 9, 1997, D.C. Law 11-198, § 501(b), 43 DCR 4569; Oct. 22, 2012, D.C. Law 19-184, § 2(f), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 rewrote the section.

Emergency legislation.

For temporary (90 days) addition of D.C. Law 6-97, § 7a, concerning industry panel review of modernization regulations, see § 3(a) of the Livery Class Regulation and Ride-Sharing Emergency Amendment Act of 2013 (D.C. Act 20-169, September 27, 2013, 60 DCR 14736).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title.

Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-307. Duties of Commission; jurisdiction; powers.

(a) The Commission is charged with the continuance, further development, and improvement of the public vehicle-for-hire industry within the District, and for the overall regulation of limousines, sedans, taxicabs, taxicab companies, taxicab fleets, and taxicab associations.

(b) A majority of the appointed Commissioners shall constitute a quorum for

transacting business and for taking official action or votes; provided, that public hearings may be conducted without the presence of a quorum.

(c) The Commission shall have the authority, power, and duty to:

(1) Establish reasonable rates for taxicab service for the transportation of passengers and their property within the District, including all charges incidental and directly related to the provision of taxicab services;

(2) Establish criteria, standards, and requirements for the licensing of public vehicle-for-hire owners, operators, companies, associations, and fleets, including the setting of reasonable license fees;

(3) Establish standards, conditions, and requirements of public vehicle-for-hire service;

(4) Establish standards for driver and passenger safety, including:

(A) Within one year of October 22, 2012, providing for the installation of security devices in all taxicabs; and

(B) Increased enforcement by public vehicle inspection officers, including during late evening and early morning hours, of unlicensed or out-of-jurisdiction operators of public vehicles-for-hire attempting to provide passenger service in the District;

(5) Establish standards and requirements relating to the modernization of equipment and equipment design;

(6) In situations of public emergency or because of extraordinary circumstances affecting the taxicab industry, regulate the rates charged for the lease of taxicabs by taxicab companies, associations, and fleets considered necessary to protect the public interest;

(7) Establish reasonable civil fines and penalties for violations of rules and orders issued by the Commission, including penalties consisting of license suspension and revocation;

(8) Advise government agencies and authorities with jurisdiction over public transportation or public highways and public space within the District regarding the routing of taxicabs and the location of taxicab stands;

(9) Advise the Mayor regarding the execution, modification, and termination of reciprocal agreements with governmental bodies in the Washington Metropolitan Area regarding taxicabs;

(10) Establish primary public vehicle-for-hire operator training courses, driver refresher training courses, and training for operators of wheelchair-accessible taxicabs, and determine how often these courses will be offered; provided, that the primary training course shall be offered as needed and shall be taken by operators as necessary, as established by rulemaking, pursuant to § 47-2829(e)(2)(A);

(11) Provide for the training and oversight of public vehicle inspection officers, who shall be responsible for enforcing all rules and regulations promulgated by the Mayor governing public vehicles-for-hire, particularly with respect to taxicabs and limousines, pursuant to § 50-329.01;

(12) Establish policies encouraging energy conservation, the reduction of pollution, including through the use of alternative-fuel vehicles, the reduction of traffic congestion, an increase in services to persons with disabilities, and policies that promote a more livable city;

(13) Create incentives for and study taxicab service in underserved areas, which may include the placement of public vehicle-for-hire stand locations in underserved areas, the study of GPS data to inform transportation policy, and examining the supply of taxicabs in the District, as established through rulemaking;

(14) Receive, hear, respond to, and adjudicate complaints lodged in the Office of Taxicabs against taxicab operators, companies, associations, fleets, and taxi dispatch services by consumers and officials or employees of government involved in public vehicle-for-hire enforcement or administration, or refer such contested matters to the Office of Administrative Hearings, pursuant to § 50-329.03;

(15) When determined to be necessary to protect the public interest, hear complaints and disputes occurring within the taxicab industry, including complaints and disputes between companies, associations, operators, or owners; and, to address industry-wide problems, issue reasonable rules for the governance of intra-industry relationships;

(16) Hear and decide appeals taken from license denials and proposed revocations or suspensions issued by the Office of Taxicabs, or refer the contested matter to the Office of Administrative Hearings;

(17) Hear and decide complaints and appeals taken from any order, act, practice, or policy implemented by the Office of Taxicabs relating to the taxicab industry;

(18) Undertake the investigation of any aspect of taxicab operations and practices necessary to protect public safety;

(19) Establish any rule relating to the regulation and supervision of the public vehicle-for-hire industry not specifically delineated in this subchapter, so long as the rule is consistent with this subchapter and related to the furtherance and protection of the public interest in public vehicle-for-hire transportation; and

(20) Charge and collect reasonable fees for services it is authorized to provide under this subchapter and § 47-2829(e)(2), with funds to be deposited in the Public Vehicles-for-Hire Consumer Service Fund created by § 50-320.

(d)(1) In exercising the rulemaking and ratemaking authority vested in it, the Commission shall adhere to and be subject to the requirements of subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], which shall apply to the Commission. The Commission shall, in giving notice of intended action in accordance with § 2-505, afford interested persons an opportunity to make public comment.

(2) A public hearing shall be required when a ratemaking or rulemaking action is referred to a panel for deliberation. Adequate notice of such hearing shall be given as required by rules of the Commission.

(3) In exercising its rulemaking and ratemaking authority, the Commission shall act by majority vote. No proxy by a member shall be allowed.

(e) The Commission may issue orders which shall have binding effect in exercising any authority conferred by this section.

(f) Appeals from final decisions of the Commission may be taken to the Office of Administrative Hearings, pursuant to Chapter 18A of Title 2 [§ 2-1831.01 et seq.].

(Mar. 25, 1986, D.C. Law 6-97, § 8, 33 DCR 703; May 10, 1988, D.C. Law 7-109, § 2(b), 35 DCR 2181; Jan. 30, 1990, D.C. Law 8-59, § 2(a), 36 DCR 7384; May 1, 1990, D.C. Law 8-107, § 2(a), 37 DCR 1623; Apr. 9, 1997, D.C. Law 11-198, § 501(c), 43 DCR 4569; Apr. 20, 1999, D.C. Law 12-264, § 46, 46 DCR 2118; Oct. 22, 2012, D.C. Law 19-184, § 2(g), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(b), 60 DCR 1717.)

Section references. — This section is referenced in § 50-320.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 rewrote the section.

The 2013 amendment by D.C. Law 19-270 added (c)(20) and made related changes.

Emergency legislation.

For temporary (90 day) addition, see § 3 of the Taxicab Service Improvement Emergency Amendment Act of 2012 (D.C. Act 19-403, July 24, 2012, 59 DCR 9116).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes.

Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7. Therefore D.C. Law 19-184 became applicable on December 24, 2013.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-307.01. GPS data use feasibility assessment.

Within 60 days of October 22, 2012, the Commission shall transmit an assessment to the Council regarding the feasibility of making data collected from taxi GPS systems available to the public in an anonymous format for the purpose of developing software tools that may be useful to taxi customers, drivers, or others affected by taxi operations.

(Mar. 25, 1986, D.C. Law 6-97, § 8a, as added Oct. 22, 2012, D.C. Law 19-184, § 2(h), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law

§ 50-307.02 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved

budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-307.02. Reciprocal agreements.

The Commission shall work with its counterparts in surrounding jurisdictions to update its reciprocal agreements and shall submit a report to the Council on or before June 30, 2013, on its progress.

(Mar. 25, 1986, D.C. Law 6-97, § 8b, as added Apr. 23, 2013, D.C. Law 19-270, § 2(c), 60 DCR 1717.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-270 added this section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-308. Panel on Rates and Rules; quorum; rule and ratemaking requirements. [Repealed].

Repealed.

(Mar. 25, 1986, D.C. Law 6-97, § 9, 33 DCR 703; May 10, 1988, D.C. Law 7-109, § 2(c), 35 DCR 2181; Sept. 22, 1994, D.C. Law 10-171, § 2(a), 41 DCR 5149; Oct. 22, 2012, D.C. Law 19-184, § 2(i), 59 DCR 9431.)

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law

20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-309. Panel on Consumer and Industry Concerns; quorum; adjudication and rulemaking requirements. [Repealed].

Repealed.

(Mar. 25, 1986, D.C. Law 6-97, § 10, 33 DCR 703; May 10, 1988, D.C. Law 7-109, § 2(d), (e), 35 DCR 2181; May 1, 1990, D.C. Law 8-107, § 2(b), 37 DCR 1623; Sept. 22, 1994, D.C. Law 10-171, § 2(b), 41 DCR 5149; Apr. 9, 1997, D.C. Law 11-198, § 501(d), 43 DCR 4569; Oct. 22, 2012, D.C. Law 19-184, § 2(i), 59 DCR 9431.)

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-309.02. Hearing examiner — appointment, powers, and duties; appeals.

(a) The Chairperson shall appoint at least one attorney to serve as a hearing examiner to adjudicate consumer and industry complaints filed against taxicab owners, operators, companies, associations, fleets, and radio dispatch operations. The hearing examiner shall hear and decide appeals taken from license denials and proposed revocations or suspensions issued by the Office of Taxicabs, appeals from Notices of Infractions issued by public vehicle inspection officers, and fines issued as a result of the consumer complaint process.

(b) A hearing examiner may:

- (1) Preside over a hearing in a contested matter;
- (2) Compel the attendance of a witness by subpoena;
- (3) Administer an oath, take testimony of a witness under oath, and dismiss, rehear, or continue a case;
- (4) Issue decisions for review and approval by the Commission, to be issued as the final decision of the Commission, or refer matters for contested hearing before the Office of Administrative Hearings, pursuant to Chapter 18A of Title 2 [§ 2-1831.01 et seq.]; and
- (5) Adjudicate consumer complaints filed pursuant to Chapter 7 of Title 31 of the District of Columbia Municipal Regulations (Taxicab and Public Vehicles for Hire) (31 DCMR chapter 7).

(Mar. 25, 1986, D.C. Law 6-97, § 10b, as added March 24, 1998, D.C. Law 12-75, § 2, 45 DCR 384; Oct. 22, 2012, D.C. Law 19-184, § 2(j), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added “appeals from Notices of Infractions issued by public vehicle inspection officers, and fines issued as a result of the consumer complaint process” in (a); and rewrote (b)(4).

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-310. Internal and procedural rules.

(a) The Commission shall establish rules for the general conduct of its organizational affairs and shall establish rules of procedure of general applicability consistent with subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.]. These rules shall include specific guidelines to implement due process requirements.

(b) The proposed rules shall comply with any requirements imposed upon the Commission by subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.].

(Mar. 25, 1986, D.C. Law 6-97, § 11, 33 DCR 703; May 10, 1988, D.C. Law 7-109, § 2(f), 35 DCR 2181; Oct. 22, 2012, D.C. Law 19-184, § 2(k), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 rewrote the section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-311. Full Commission meetings; annual report.

(a) The chairperson shall be responsible for, and shall assure coordination and communication between, the Commission and any appointed panel. All members of the Commission shall be kept apprised of the business of the full Commission.

(b) The chairperson shall call a meeting of the full Commission periodically, but no less than once every 2 months, to discuss general affairs of the Commission and matters pertaining to the taxicab industry, to establish and

set general policies of the full Commission, and to outline goals and future directions of the Commission. Meetings of the full Commission shall include the participation of other governmental agencies involved in taxicab administration, such as the Metropolitan Police Department, the Office of Taxicabs, and the Washington Metropolitan Area Transit Commission.

(b-1) The Commission may spend, from the Taxicab Driver Security Revolving Fund, established in § 50-321 [repealed], an amount not to exceed \$1,200 per fiscal year for nominal refreshments, food, or additional supplies necessary to hold regular meetings, including work sessions.

(c) The full Commission shall make an annual report to the Council during its annual public oversight and budget hearings. The report shall contain, but not be limited to, information and statistics relating to licensing, enforcement, the status of taxicab equipment, estimated industry revenues, and passenger carriage, and shall outline briefly the activities and goals of the Commission.

(d) The full Commission shall periodically evaluate program development and implementation at the hacker's license training course and may issue policy directives pertaining to program content and program direction.

(Mar. 25, 1986, D.C. Law 6-97, § 12, 33 DCR 703; Oct. 1, 2002, D.C. Law 14-190, § 2602(b), 49 DCR 6968; Oct. 22, 2012, D.C. Law 19-184, § 2(l), 59 DCR 9431.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-184 substituted “the Commission and any appointed panel” for “both panels of the Commission, and shall have authority to resolve disputes and issues of jurisdiction arising between panels” in (a); and substituted “Council during its annual public oversight and budget hearings” for “Mayor and the Council on or before the 2nd Monday of January each year” in (c).

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor's notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-312. Office of Taxicabs established.

(a) There is established an Office of Taxicabs.

(b) The Office shall provide administrative support to the Commission.

(c) The Office shall be responsible for the execution and administration of this subchapter, and all rules, standards, rates, charges, and orders issued by the Commission.

(d) Repealed.

(e) The Office shall:

(1) Repealed;

(2) Administer all license examinations applicable to the taxicab industry;

(3) Maintain a system of electronic public records relating to licensed

owners and operators of public vehicles-for-hire and public vehicle-for-hire companies, associations, and fleets, including:

(A) Developing, maintaining, and keeping current a body of information for public and government use relating to public vehicle-for-hire industry operations within the District, regionally, and nationwide; and

(B) Providing statistics, analyses, studies, and projections relating to matters such as revenue, operational costs, passenger carriage, profits, practices, and technologies characterizing the public vehicle-for-hire industry;

(4) Repealed;

(5) Receive complaints lodged against the owners and operators of taxicabs, taxicab companies, associations, fleets, and dispatch services for the violation of any rule, regulation, order, rate, or law applicable specifically to the taxicab industry;

(6) Repealed;

(7) Administer and enforce all rules, rates, and orders issued under the authority of the Commission applicable to taxicab companies, associations, fleets, taxicab facilities, taxi dispatch services, and the owners and operators of taxicabs;

(8) Develop, maintain, and keep current under the direction of the Commission a body of information for public and Commission use relating to taxi industry operations within the District, regionally, and nationwide, which information shall include, but not be limited to, statistics, analyses, studies, and projections relating to matters such as revenue, operational costs, passenger carriage, profits, practices, and technologies characterizing the taxi industry;

(9) Perform any other administrative functions necessary to carry out the purposes of this subchapter which are assigned to the Office by the Commission;

(10) Inspect public vehicles-for-hire for compliance with regulations established by the Commission and the Department of Motor Vehicles for safety requirements;

(11) Provide street enforcement of the rules and regulations of the Commission through the use of public vehicle inspection officers who are civil enforcement officers;

(12) Collect a fee to recover the actual costs of producing and distributing official Commission vehicle decals, stickers, and information placards; and

(13) Establish within the Office a transportation liaison who shall serve as liaison between the Office and the District Department of Transportation on policies related to transportation.

(f) The Commission shall employ no fewer than 20 public vehicle inspection officers to enforce the laws, rules, and regulations pertaining to public vehicles-for-hire. A primary function of public vehicle inspection officers shall be to ensure the proper provision of service and to support safety through street enforcement efforts, including traffic stops of public vehicles-for-hire, pursuant to protocol prescribed by the Commission

(g) Nothing in this section shall abrogate the authority of officers of the Metropolitan Police Force to enforce and issue citations relating to taxicab requirements.

(h)(1) A proposed suspension or revocation by the Office of a license issued under the authority of this subchapter shall not take effect until a final decision is rendered by the Commission upon a timely appeal taken by a licensee or, if no appeal is taken, upon the lapse of the period specified, by rule, for appeal.

(2) The Office may immediately suspend or revoke a license issued under the authority of this subchapter where the Office has determined that the operator of a vehicle poses an imminent danger to the public. Within 3 business days of the issuance by the Office of an immediate suspension or revocation, an administrative hearing shall be held before the Commission, or the matter may be referred to the Office of Administrative Hearings, pursuant to Chapter 18A of Title 2 [§ 2-1831.01 et seq.].

(Mar. 25, 1986, D.C. Law 6-97, § 13, 33 DCR 703; May 1, 1990, D.C. Law 8-107, § 2(d), 37 DCR 1623; Apr. 9, 1997, D.C. Law 11-198, § 501(f), 43 DCR 4569; Mar. 14, 2007, D.C. Law 16-279, § 210, 54 DCR 903; Oct. 22, 2012, D.C. Law 19-184, § 2(m), 59 DCR 9431.)

Section references. — This section is referenced in § 50-303 and § 50-2536.

Effect of amendments.

The 2012 amendment by D.C. Law 19-184 rewrote (e)(3) and (e)(10); added (e) (11), (12), and (13); and rewrote (f) and (h)(2).

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes.

Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-313. Regulation of public vehicles-for-hire.

(a) The Commission may issue any reasonable rule relating to the supervision of public vehicles-for-hire it considers necessary for the protection of the public.

(b) The Commission may establish standards, criteria, and requirements for the licensing of the different classes of public vehicles-for-hire and the owner and operators thereof, and may establish appropriate classes of license fees for the ownership and operation of public vehicles-for-hire subject to the requirements of this section, provided that no license requirement for operating authority shall be mandated by the Commission which is duplicative of the jurisdiction of the Washington Metropolitan Area Transit Commission.

(c) No person, corporation, partnership, or association shall operate a public vehicle-for-hire in the District without first having procured all applicable licenses and meeting all requirements as mandated by the Commission. Any violation of this subsection shall subject a violator to a civil fine not to exceed \$500.

(c-1) Repealed.

(d) The Commission may establish reasonable civil fines and penalties for violation of any rule issued pursuant to the authority of this section.

(e) All rules and regulations applicable to public vehicles-for-hire in effect before October 22, 2012, that are consistent with this subchapter shall remain effective until amended or repealed by the Commission.

(Mar. 25, 1986, D.C. Law 6-97, § 14, 33 DCR 703; Nov. 25, 2008, D.C. Law 17-280, § 2(a), 55 DCR 11066; Mar. 3, 2010, D.C. Law 18-111, § 6053, 57 DCR 181; Oct. 22, 2012, D.C. Law 19-184, § 2(n), 59 DCR 9431.)

Effect of amendments.

The 2012 amendment by D.C. Law 19-184 substituted “Commission” for “Mayor” and substituted “public vehicles-for-hire” for “passenger vehicles for hire” throughout the section; substituted “fines and penalties” for “fines” in (d); rewrote (e); and made stylistic changes.

Emergency legislation.

For addition (90 days) addition of D.C. Law 6-97, § 14a, concerning interim requirements for ride-sharing services, see § 3(b) of the Livery Class Regulation and Ride-Sharing Emergency Amendment Act of 2013 (D.C. Act 20-169, September 27, 2013, 60 DCR 14736).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-314. Insurance.

Section references. — This section is referenced in § 50-315.

CASE NOTES

Construction and application.

Taxicab, which was involved in an auto accident, was uninsured, thereby triggering uninsured-vehicle coverage, because D.C. Code § 31-2406, by its terms, was not limited to instances in which an insurer validly denied coverage, but, instead, applied when an insurer denied coverage for any reason. Taxicab, which was involved in an auto accident, was uninsured, thereby triggering uninsured-vehicle coverage, because D.C. Code § 31-2406, by its

terms, was not limited to instances in which an insurer validly denied coverage, but, instead, applied when an insurer denied coverage for any reason. While D.C. Code § 50-314 may have been relevant to whether the taxicab’s insurer acted lawfully in disclaiming coverage, that question was not relevant to whether the taxicab was an uninsured vehicle. *Waring v. Moore*, 74 A.3d 685, 2013 D.C. App. LEXIS 510 (2013).

§ 50-317. Rate proceeding; standard for rate structure.

(a) Within 12 months of March 25, 1986, and at least once every 24 months thereafter, the Commission shall undertake a review of the taxicab rate structure. The review required by this section shall be undertaken by holding at least 1 public hearing, upon notice with opportunity to comment. Within 120

days of holding the public hearings, the panel shall render a decision on whether a modification or adjustment in rate structure is warranted, and, if determined to be warranted, shall implement the modification or adjustment.

(b) The Commission, in the establishment and supervision of the taxicab rate structure, shall balance equitably the interest of owners and operators of taxicabs, taxicab companies and associations, and dispatch services in procuring a maximum rate of return on investment and labor against the public interest in maintaining a taxicab system affordable to a broad cross section of the public, and shall establish nondiscriminatory rates, charges, matrices, boundaries, and methodologies for the determination of taxicab fares which assure reasonable and adequate compensation and promote broad and non-discriminatory public access to taxicab transportation facilities.

(Mar. 25, 1986, D.C. Law 6-97, § 18, 33 DCR 703; May 10, 1988, D.C. Law 7-109, § 2(g), 35 DCR 2181; Oct. 22, 2012, D.C. Law 19-184, § 2(o), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 substituted “Commission” for “Commission’s Panel on Rates and Rules” in (a) and for “panel and the full commission” in (b).

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-319. Regulation of taxicab operation and license requirement.

(a)(1) No person, corporation, partnership, or association shall operate a limousine, sedan, or taxicab, a limousine, sedan, or taxicab company, association, or fleet, a limousine, sedan, or taxicab service, or any public vehicle-for-hire service within the District without procuring applicable licenses required by the Commission pursuant to this subchapter.

(2) In the case of licensure by another jurisdiction, a taxicab or public vehicle-for-hire may provide service in the District only pursuant to, and in compliance with, a Commission-approved reciprocity agreement or regulation.

(b) The length of time a license is valid to operate a taxicab company, association, or fleet, and application for renewal of such license, shall be determined in a manner and at a fee prescribed by the Commission.

(b-1) Repealed.

(c) Any license issued pursuant to this section shall be issued as an Inspected Sales and Services endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of Chapter 28 of Title 47.

(d) Any violation of this section shall be punishable by a civil fine or other penalty provided by law or Commission regulations.

(e) For the purposes of this section, the term “operate” shall include providing taxicab service or public vehicle-for-hire service of any type that physically originates in the District.

(Mar. 25, 1986, D.C. Law 6-97, § 20, 33 DCR 703; Sept. 22, 1994, D.C. Law 10-171, § 2(c), 41 DCR 5149; Apr. 20, 1999, D.C. Law 12-261, § 2003(oo), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(kk), 50 DCR 6913; Apr. 13, 2005, D.C. Law 15-354, § 83(e), 52 DCR 2638; Nov. 25, 2008, D.C. Law 17-280, § 2(b), 55 DCR 11066; Oct. 22, 2012, D.C. Law 19-184, § 2(p), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(d), 60 DCR 1717.)

Section references. — This section is referenced in § 50-331.

Effect of amendments.

The 2012 amendment by D.C. Law 19-184 rewrote (a) and (b); repealed (b-1); and added (d) and (e).

The 2013 amendment by D.C. Law 19-270 deleted “including dispatch service” and its surrounding commas preceding “within the District” in (a)(1); and deleted the last sentence in (d), which read “A fine or penalty for a violation of this section or implementing regulations by a taxicab or public vehicle-for-hire from another jurisdiction shall be punishable in a manner that is at least equal to the enforcement against a District taxicab or public vehicle-for-hire found to be in violation of the laws, rules, or regulations of surrounding or corresponding jurisdictions.”

Emergency legislation.

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C.

Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-320. Public Vehicles-for-Hire Consumer Service Fund.

(a) There is established within the District of Columbia Treasury a fiduciary fund to be known as the Public Vehicles-for-Hire Consumer Service Fund. The Fund shall be a revolving, segregated, nonlapsing fund administered by the Commission. The Fund shall consist of the following:

- (1) Funds collected from a passenger surcharge;
- (2) Funds collected by the Commission from the issuance and renewal of

a public vehicle-for-hire license pursuant to § 47-2829, including those held in miscellaneous trust funds by the Commission and the Office of the People's Counsel before June 23, 1987, pursuant to § 34-912(a). These funds shall be accounted for under procedures established pursuant to subchapter V of Chapter 3 of Title 47, or any other applicable law;

(3) Funds collected by the Commission from the Department of Motor Vehicles through the Out-Of-State Vehicle Registration Special Fund, pursuant to § 50-1501.03a;

(4) All funds collected by the Commission pursuant to subsections (c) and (d) of this section; and

(5) All funds collected by the Commission pursuant to § 50-307(c)(20).

(b)(1) The funds deposited into the Fund and allocated to the Commission:

(A) Shall be used to pay the costs incurred by the Commission, including operating and administering programs, investigations, proceedings, and inspections, administering the Fund, and improving the District's public vehicles-for-hire industry.

(B) May be used to provide grants, loans, incentives, or other financial assistance to owners of licensed taxicabs legally operating and incorporated in the District to offset the cost of acquiring, maintaining, and operating wheelchair-accessible vehicles;

(C) May be used to establish a program to provide a taxicab fare discount for low-income senior citizens aged 65 years and older and persons with disabilities; and

(D) May be used to provide grants, loans, incentives, or other financial assistance to owners of licensed taxicabs legally operating and incorporated in the District to incentivize the purchase and use of alternative-fuel vehicles, directing licensed taxicabs to underserved areas, and to offset costs associated with meeting the mandates of this subchapter, as established by rulemaking.

(2) For fiscal years 2014 and 2015:

(A) The first \$4,700,000 of funds deposited into the Fund each year shall be used to support the operations of the Commission pursuant to paragraph (1)(A) of this subsection;

(B) \$750,000 of the remaining funds deposited into the Fund each year shall be used to increase the number of wheelchair accessible public vehicles-for-hire pursuant to paragraph (1)(B) of this subsection; and

(C) Any remaining funds in the Fund may be used for any of the purposes described in paragraph (1) of this subsection.

(3) Nothing in this subsection shall affect any requirements imposed upon the Commission by subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.].

(c) After June 24, 1987, continued resources for the Fund shall be provided through an assessment levied against taxicab and passenger vehicle for hire operators as determined by Commission rule. Monies deposited into the Fund after June 24, 1987, shall be used by the Commission for any investigation or proceeding by the Commission concerning taxicab and passenger vehicle for hire rates and regulations as determined by rules promulgated by the Commission and submitted to the Council for approval, in whole or in part, by resolution. No assessment imposed by the Commission on an operator pursu-

ant to this subsection shall exceed \$50 per year. Nothing in this subsection shall affect any requirements imposed upon the Commission by subchapter I of Chapter 5 of Title 2.

(d) The Commission shall assess each taxicab and passenger vehicle for hire operator \$50 per year upon the issuance or renewal of each operator identification card license.

(e) Repealed.

(f) Repealed.

(g) Procedures for the implementation and administration of a passenger surcharge amount shall be established by the Commission in accordance with its rulemaking authority.

(h) The funds deposited into the Fund and allocated to the Commission shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in this section without regard to fiscal year limitation, subject to authorization by Congress.

(i) The Commission shall conduct a mandatory yearly review of the passenger surcharge amount and shall adjust the surcharge amount based on revenue over needed spending.

(j) The District of Columbia Auditor shall conduct an audit of the Fund at least once every 3 fiscal years.

(k) The Commission shall submit to the Council monthly revenue reports on the Fund by the 15th of every month.

(Mar. 25, 1986, D.C. Law 6-97, § 20a, as added May 10, 1988, D.C. Law 7-107, § 2, 35 DCR 2176; Sept. 22, 1994, D.C. Law 10-171, § 2(d), 41 DCR 5149; Oct. 19, 2000, D.C. Law 13-172, § 1502, 47 DCR 6308; Mar. 3, 2010, D.C. Law 18-111, § 6041, 57 DCR 181; Sept. 20, 2012, D.C. Law 19-168, § 6052, 59 DCR 8025; Oct. 22, 2012, D.C. Law 19-184, §§ 2(q), 5, 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(e), 60 DCR 1717; Dec. 24, 2013, D.C. Law 20-61, § 6042, 60 DCR 12472.)

Section references. — This section is referenced in § 50-303 and § 50-307.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 rewrote (a).

The 2012 amendment by D.C. Law 19-184, § 2(q), rewrote (a) and (b); and added (g), (h), (i), (j), and (k).

The 2012 amendment by D.C. Law 19-184, § 5, repealed the amendment of (a) by D.C. Law 19-168, § 6052.

The 2013 amendment by D.C. Law 19-270 added (a)(5) and made related changes.

The 2013 amendment by D.C. Law 20-61 added (b)(2); and redesignated former (b)(2) as (b)(3).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2(b) of the Taxicab Service Improvement Emergency Amendment Act of 2012 (D.C. Act 19-403, July 24, 2012, 59 DCR 9116).

For temporary (90 days) amendment of this section, see § 6042 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6042 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law

19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title.

Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Section 6041 of D.C. Law 20-61 provided that Subtitle E of Title VI of the act may be cited as the “Accessible Public Vehicles-for-Hire Amendment Act of 2013”.

Editor’s notes.

Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-324. Wheelchair-Accessible Taxicab Promotion Fund. [Repealed].

Repealed.

(Mar. 25, 1986, D.C. Law 6-97, § 20e, as added Sept. 18, 2007, D.C. Law 17-20, § 6052, 54 DCR 7052; Mar. 25, 2009, D.C. Law 17-353, § 215(e), 56 DCR 1117; Oct. 22, 2012, D.C. Law 19-184, § 2(r), 59 DCR 9431.)

Emergency legislation.

For temporary addition of D.C. Law 6-97, § 20o, concerning fleeing from a public vehicle inspection officer in a public vehicle-for-hire, see § 402 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title.

Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-325. Accessible taxicabs.

(a) Taxicab service in the District shall be accessible to the disabled and in compliance with the ADA and Unit A of Chapter 14 of Title 2 [§ 2-1401.01 et seq.].

(b)(1) Within 90 days of October 22, 2012, the Commission shall establish a Disability Taxicab Advisory Committee to advise the Commission on how to make taxicab service in the District more accessible to the disabled.

(2)(A) The Committee shall include representatives from the following:

- (i) The Office of Disability Rights;
- (ii) The Office of Human Rights;
- (iii) The Commission on Persons with Disabilities;
- (iv) The disability advocacy community;
- (v) Taxicab companies, associations, or operators;
- (vi) The Office of the Chief Financial Officer, when appropriate; and
- (vii) The Commission.

(B) At least half of the Committee shall be comprised of members or representatives of the disability advocacy community.

(3) On or before March 30, 2013, the Committee shall transmit to the Mayor and to the Council a comprehensive report and recommendations on the following:

- (A) The legal requirements for providing accessible taxicab service;
- (B) The need for accessible taxicab service in the District;
- (C) How other jurisdictions are providing accessible taxicab service;
- (D) A timetable and plan to rapidly increase the number of accessible taxicabs to meet the need of accessible taxicabs in the District;

(E) A description of the types of grants, loans, tax credits, and other financial assistance and incentives that could be provided to taxicab companies, associations, and operators to offset the cost of purchasing, retrofitting, maintaining, and operating accessible taxicabs;

(F) A recommended package of grants, loans, tax credits, or other types of financial assistance and incentives that could be provided to taxicab companies, associations, and operators to offset the cost of purchasing, retrofitting, maintaining, and operating accessible taxicabs;

(G) The means by which the District can achieve a fleet of 100% wheelchair-accessible taxicabs; and

(H) A proposed timeline and plan, including an analysis of the feasibility, costs, and benefits, for requiring all new taxicabs to be wheelchair-accessible when replacing old taxicabs that are removed from service.

(4) On or before September 30, 2013, and each year thereafter, the Committee shall transmit to the Mayor and to the Council a report on the accessibility of taxicab service in the District and how it can be further improved.

(c)(1) Each taxicab company with 20 or more taxicabs in its fleet as of July 1, 2012, or anytime thereafter, shall dedicate a portion of its taxi fleet as follows:

(A) At least 6% of each taxicab fleet shall be wheelchair-accessible by December 31, 2014.

(B) At least 12% of each taxicab fleet shall be wheelchair-accessible by December 31, 2016.

(C) At least 20% of each taxicab fleet shall be wheelchair-accessible by December 31, 2018.

(D) Based on the recommendations of the Committee, which shall be given great weight, the Commission shall increase the requirements in subparagraphs (A), (B), and (C) of this paragraph to ensure that the District's taxicab system meets the legal requirements and need for accessible taxicab service.

(2) The Commission may withhold the renewal of licenses of taxicab companies or associations that do not meet the requirements of this subsection.

(3) With the Committee and the Chief Financial Officer, the Commission shall develop a program to provide grants, loans, and other types of financial assistance and incentives to applicants and owners of licensed taxicabs to offset the cost of buying, retrofitting, maintaining, and operating a vehicle for use as a wheelchair-accessible taxicab.

(d) The Commission shall seek to partner with the Washington Metropolitan Area Transit Authority, the Office of the State Superintendent of Education, and any other governmental entity to provide accessible transportation services using taxicabs, and shall report to the Council within 18 months of October 22, 2012, on the status of such agreements and the estimated cost savings from such agreements.

(e) All drivers who operate wheelchair-accessible public vehicles-for-hire shall receive training in how to properly use the equipment and work with disabled passengers. The training shall be coordinated through the Commission or taxicab companies.

(f) Wheelchair-accessible public vehicles-for-hire shall:

(1) Accommodate wheelchair and personal mobility devices up to 30 inches in width;

(2) Have rear-entry or side-entry ramps or lifts that enable a passenger and driver to easily and comfortably gain access to the interior of the vehicle upon entry and exterior upon drop off;

(3) Have safety devices to secure the wheelchair or personal mobility device to the vehicle and protect the passenger; and

(4) Display the international wheelchair insignia or other insignia approved by the Commission that identifies the vehicle as a wheelchair-accessible vehicle in a minimum of 2 prominent locations on the exterior of the vehicle.

(g)(1) Except as provided in paragraph (2) of this subsection, every licensed taxicab operator accepting fares shall:

(A) Stop and inquire of a prospective passenger in a wheelchair or personal mobility device attempting to street-hail a taxicab whether the passenger wishes to ride in that taxicab or, if the taxicab operator is not driving a wheelchair-accessible taxicab and is affiliated with a taxicab company or

association that offers such services, wishes to have the taxicab operator contact a dispatch service to send a wheelchair-accessible taxicab; and

(B) Grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a passenger using a wheelchair shall not accept any other fare while traveling to the fare; provided, that in the absence of a request for service to a passenger who uses a wheelchair, a wheelchair-accessible taxicab operator may transport any person.

(2) A taxicab operator shall not be subject to the requirements of this subsection while transporting a fare or responding to a dispatched call for service.

(h) Any individual, company, or affiliation that owns, leases, rents, or operates wheelchair-accessible taxicabs subsidized by the District shall:

(1) Operate wheelchair-accessible taxicabs equipped with dispatch technology and maintain the capacity to communicate with every wheelchair-accessible taxicab operating under its service;

(2) Grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a passenger using a wheelchair, shall not accept any other fare while traveling to the fare; provided, that in the absence of a request for service to a passenger who uses a wheelchair, a wheelchair-accessible taxicab operator may transport any person;

(3) Promptly dispatch a wheelchair-accessible taxicab in response to a wheelchair-accessible taxicab service request. If a wheelchair-accessible vehicle cannot be dispatched within 20 minutes, dispatch shall call another company with wheelchair-accessible vehicles to handle the request, and contact the customer with the name and telephone number of the dispatch service for the available wheelchair-accessible taxicab. If no wheelchair-accessible taxicabs are currently available to respond to a customer's request, dispatch shall notify the customer and record the customer's name and phone number and the names of the other dispatch services contacted; and

(4) Record all requests for wheelchair-accessible taxicab service, noting the date and time of the request for service, the service address, the vehicle number dispatched, and the time that the wheelchair-accessible taxicab was dispatched to respond to the call.

(i) A taxicab operator of a wheelchair-accessible taxicab shall not deny a dispatch request for wheelchair accessible service unless the taxicab is unavailable to provide service due to already being engaged. The Commission shall enforce this provision through rulemaking.

(D.C. Law 6-97, § 20f, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(f), 60 DCR 1717.)

Section references. — This section is referenced in § 50-303.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

The 2013 amendment by D.C. Law 19-270 substituted “March 30” for “February 15” in (b)(3); and substituted “public vehicle-for-hire”

for “taxicabs” in the first sentence of (e) and in the introductory paragraph of (f).

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law

19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the

act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-326. Modernization of taxicabs.

(a) The Commission shall have one year from October 22, 2012, to modernize the taxicab fleet, and make vehicle and equipment improvements, including:

(1) A meter system that facilitates non-cash payment of a taxicab fare, including credit cards, debit cards, and other generally acceptable means of purchasing goods and services as defined by the Commission, prints receipts to passengers automatically, and allows non-cash payment to be made in the rear compartment of the taxicab without handling by the taxicab operator. This system shall contain an authenticated login unique to each individual taxicab operator, and shall electronically collect trip-sheet data through the use of GPS technology. GPS data shall not be collected unless a taxicab operator is currently logged into the meter system. The meter system shall consist of an information monitor for the taxicab operator that is able to send and receive text messages, and shall allow for integration with web, tablet, or cellular phone dispatch applications that can transmit the location of potential passengers to the taxicab operator information monitor. The Commission may elect to certify the technology that can integrate with the meter system. The system shall also include an information monitor for passengers that, at a minimum, shall provide audio-visual content, including advertising, and is capable of being muted or turned off by the passenger for the duration of the ride;

(2) Uniform cruising lights that clearly display a taxicab’s identification number, as well as identify when a taxicab is occupied, on-call, off-duty, or available to accept a fare; and

(3) Uniform color and an emblem symbolizing the flag of the District. The Commission shall issue rules allowing all vehicles operated by taxicab companies, fleets, and associations to place an insignia or logo on the vehicle, requiring the insignia to be of a certain size and placement on the vehicle. If a taxicab is powered by an alternative fuel, it may display this information on the exterior of the vehicle with a term or symbol approved by the Commission.

Taxicabs licensed to operate in the District as of the date on which the Commission issues rules to implement this paragraph shall be permitted to maintain their current color scheme. The uniform color and emblem shall apply only to new vehicles entering taxicab service or when owners choose to repaint their existing vehicles.

(b) The Commission may issue rules and regulations regarding the installation or use of counterfeit or non-compliant public vehicle-for-hire equipment or technology systems. Any person who willfully installs or uses any counterfeit or imitation public vehicle-for-hire equipment or technology systems shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned no more than 180 days or fined no more than \$1,000.

(D.C. Law 6-97, § 20g, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-327. Fuel-efficient taxicabs.

(a) Within 5 years of October 22, 2012, each owner of a licensed taxicab operating in the District shall maintain average vehicle greenhouse gas emissions at a level set by the Commission in consultation with the District Department of the Environment that will contribute to an overall goal of a 20% reduction in taxicab fleet greenhouse gas emissions by the year 2020. Wheel-chair-accessible vehicles are exempt from compliance with greenhouse gas emission standards.

(b) The Commission shall publicize on its website fuel-efficiency information available from DDOE about vehicles used as public vehicles-for-hire and, upon request, distribute this information at no charge to public vehicle-for-hire operators.

(D.C. Law 6-97, § 20h, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(g), 60 DCR 1717.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

The 2013 amendment by D.C. Law 19-270 rewrote (b), which read: “By April 1 of each year, the Commission, in consultation with

DDOE, shall publicize a fuel-efficient taxicab guide. The guide shall list emission levels and average miles-per-gallon standards that will allow the District to achieve its taxicab fleet greenhouse gas reduction goal. The guide shall identify available funding sources and incen-

tives for fuel-efficient and alternative-fuel vehicles. The Commission shall post the guide on its website and shall distribute the guide at no charge to taxicab operators. The Commission shall reevaluate and update the guide each year. The Commission may provide grants to owners of licensed taxicabs operating in the District to offset the cost of replacing an expired vehicle with an alternative-fuel vehicle as established by rulemaking. The Commission may issue rules and regulations to implement this section.”

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-328. Loitering of public vehicles-for-hire.

(a) No operator of a public vehicle-for-hire shall loiter around or in front of hotels, restaurants, theaters, or public buildings in the District. For the purposes of this section, the term “loitering” means the willful operation of a public vehicle-for-hire for the purpose of soliciting passengers by stopping the vehicle, or by driving at such a slow speed as may impede or block the normal and reasonable movement of traffic.

(b) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent acting for the keeper or proprietor, of a hotel, restaurant, or theater in the District to discriminate against a District licensed taxicab operator by excluding the operator from access to a hack stand or other location where taxicabs are regularly allowed to pick up passengers on the hotel premises; provided, that a taxicab or taxicab operator that is not in compliance with taxicab vehicle safety requirements or operator requirements may be denied a passenger and reported to the Commission.

(c) It shall be unlawful for a hotel, restaurant, or theater, or keeper or proprietor or agent acting for the keeper or proprietor of a hotel, restaurant, or theater in the District to solicit, or offer to solicit passengers on behalf of a public vehicle-for-hire operator, company, or association if the resulting trip would violate this subchapter. This subsection shall not prohibit a hotel, restaurant, or theater from entering into a written contract to provide its customers with the services of public vehicles-for-hire on a pre-arranged basis, as long as these services are provided in a manner that complies with all laws, rules, and regulations applicable to public vehicles-for-hire in the District.

(d) The Commission shall have authority to determine, by rule, appropriate fines and penalties for violations of subsections (a), (b), and (c) of this section.

(D.C. Law 6-97, § 20i, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(h), 60 DCR 1717.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

The 2013 amendment by D.C. Law 19-270 rewrote the section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-329. Public vehicles-for-hire, exclusive of taxicabs and limousines.

(a) The Commission may create and regulate classes of public vehicles-for-hire independent of taxicabs and limousines, including sedan-class vehicles. The Commission may issue rules and regulations governing the conduct of such vehicles, including the type of vehicles, number of inspections, licensing of drivers, advertising, safety of the driver and of the public, financial obligations, and any other provisions necessary; provided, that the rules and regulations are necessary for the safety of customers and drivers, consumer protection, or the collection of non-personal trip data information. Any rules and regulations shall protect personal privacy rights of customers and drivers and shall not result in the disclosure of confidential business information.

(b) Sedan-class vehicles shall operate exclusively through a digital dispatch service as defined by and meeting the requirements of § 50-329.02 and shall not solicit or accept street hails. Sedan-class vehicles shall calculate fares on the basis of time and distance, except trips to airports and other point-to-point trips based on well-traveled routes or event-related trips such as sporting events, which may be charged on a flat-fee basis.

(c) An owner of a licensed taxicab or limousine may convert a vehicle from a taxicab or limousine to a sedan-class vehicle; provided, that the vehicle complies with the requirements of sedan-class vehicles. Additionally, if a

vehicle meets the requirements of more than one class, and the driver is properly licensed for each class, the vehicle may operate as either class of vehicle.

(d)(1) Each company with 20 or more sedan-class vehicles in its fleet as of January 1, 2013, or anytime after, shall dedicate a portion of its sedan-class vehicles as follows:

(A) At least 6% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2014.

(B) At least 12% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2016.

(C) At least 20% of each sedan-class fleet shall be wheelchair-accessible by December 31, 2018.

(2) The Commission may withhold the renewal of licenses of companies with sedan-class vehicles that do not meet the requirements of this subsection. The Commission shall have the authority to audit or monitor wait times and rates charged by sedan-class operators and companies in the provision of wheelchair-accessible service in order to evaluate the number of wheelchair-accessible sedans.

(3) Each company with 20 or more sedan-class vehicles in its fleet as of January 1, 2013, or anytime after, that does not yet have wheelchair-accessible vehicles in its fleet shall provide information as to companies that do offer wheelchair-accessible service to customers upon request.

(D.C. Law 6-97, § 20j, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(i), 60 DCR 1717.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

The 2013 amendment by D.C. Law 19-270, in the last sentence of (a), deleted “fares” preceding “financial obligations” and substituted the proviso at the end for “to provide safe public passenger transportation”; rewrote (b) and (c); and added (d).

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-329.01. Public vehicle inspection officer training.

Public vehicle inspection officers shall undergo training on the rules and regulations governing passenger vehicles-for-hire and undergo yearly performance evaluations. Public vehicle inspection officers shall be prohibited from making traffic stops of on-duty taxicabs while a taxicab is in the act of transporting a fare, unless there is probable cause of a violation, and shall act in accordance with all rules governing their duties, as established through rulemaking.

(D.C. Law 6-97, § 20k, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431.)

Section references. — This section is referenced in § 50-307.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

§ 50-329.02. Dispatch services.

(a) All taxicab companies, taxicab associations, or taxicab fleets with 100 or more licensed taxicabs shall install radio or digital dispatch equipment in each taxicab. This equipment shall link to a central dispatch service within each company. Each licensed taxicab operator affiliated or contracted with a taxicab company, association, or fleet with more than 100 licensed taxicabs shall be available via dispatch at all times while accepting fares and may not turn off the dispatch equipment while in service. Once a taxicab operator chooses to accept a dispatch request, that operator must accept the fare, regardless of the fare’s location within the District.

(b) A digital dispatch service shall be exempt from regulation by the Commission, other than rules and regulations that are necessary for the safety of customers and drivers or consumer protection. Any rules and regulations shall protect personal privacy rights of customers and drivers, shall not result in the disclosure of confidential business information, and shall allow providers to limit the geographic location of trip data to individual census tracts; provided, that:

(1) If the digital dispatch service connects a customer to a taxicab, the fare shall be calculated in accordance with the taxicab fare structure established by the Commission through an approved taxicab meter system;

(2) If the digital dispatch service connects a customer to a public vehicle-for-hire other than a taxicab, before booking the vehicle, the dispatch service

shall disclose to the customer the fare calculation method, which shall be in compliance with the method required for that class of vehicle, the applicable rates being charged, and the option for an estimated fare;

(3) The public vehicles-for-hire using a digital dispatch service shall be licensed and shall provide service in a manner that complies with all laws, rules, and regulations applicable to public vehicles-for-hire in the District;

(4) The digital dispatch service and the operators it employs, contracts with, or affiliates with shall comply with all reciprocal agreements between governmental bodies in the Washington Metropolitan Area governing public vehicle-for-hire service, including section 828 of Title 31 of the District of Columbia Municipal Regulations (31 DCMR § 828), as long as the Commission is actively accepting and processing applications for the licensure of public vehicle-for-hire operators and vehicles. The condition that the Commission is actively accepting and processing applications shall not apply if it issues rules establishing limits on the number of vehicles and licenses issued pursuant to § 47-2829(j), which requires the Committee both to conclude that limits are in the public interest and do not unduly and significantly harm the public vehicle-for-hire industry in the District and to submit the rules to the Council for approval;

(5) Upon completion of the trip, the customer shall receive a paper or electronic receipt that lists the origination and destination of the trip, the total distance and time of the trip, and a breakdown of the total fare paid, including fees and gratuity, if any;

(6) The digital dispatch service shall provide customers with the ability to indicate an interest in receiving service from a wheelchair accessible vehicle for the purposes of determining market need and for a request for this service once these vehicles become available in this class;

(7) The digital dispatch service shall not transmit any destination information about a customer, except for the jurisdiction of the customer's destination, to an operator of a public vehicle-for-hire until the customer has booked the trip;

(8) The digital dispatch service shall not allow a public vehicle-for-hire operator it employs, contracts, or affiliates with to discriminate against customers in any way or to otherwise refuse to provide service to or from an area of the District; provided, that a digital dispatch service may rate a customer as long as the customer's rating may be viewed by the customer, the digital dispatch service includes a non-discrimination policy in its contract terms with public vehicle-for-hire drivers, and the digital dispatch service provides a customer with the ability to report allegations of discrimination in public vehicle-for-hire service;

(9) The digital dispatch service provides service throughout the entire District; and

(10) The digital dispatch service shall submit proof to the Commission annually that it is licensed to do business in the District, maintains a registered agent in the District, and maintains a website, which shall contain information on its method of fare calculation, the rates and fees charged, and provides a customer service telephone number or email address.

(c) The Commission shall provide contact information, including hyperlinks, if available, for each of the available public vehicle-for-hire dispatch services within the District. The Commission shall list this information or a link to this information on the front page of the Commission’s website and shall include the company name and any other appropriate, information, including a hyperlink to the website or phone number listing of each company.

(d) For the purposes of this section, the term “digital dispatch service” means a business that provides a service that connects a passenger to a public vehicle-for-hire through advanced reservation, including by computer, mobile phone application, text, email, or web-based reservations, or by other means as the Commission may define by rule.

(D.C. Law 6-97, § 20l, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(j), 60 DCR 1717.)

Section references. — This section is referenced in § 50-329.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

The 2013 amendment by D.C. Law 19-270 rewrote (b); and added (c) and (d).

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-329.03. Complaints.

The Commission shall:

(1) Allow the public to file complaints electronically on its website and through a hotline. This hotline shall be available 24 hours a day, 365 days a year, and be listed on the main page of the Commission’s website and in every taxicab;

(2) Within 72 hours of receiving a complaint, confirm in writing to the complainant that the complaint has been received;

(3) Respond, in writing, to the taxicab operator against whom the complaint was filed, with a detailed description of the complaint against him or her, including the time, date, location, circumstances of the alleged incident,

and the potential penalties, as well as provide clear instructions of the procedures used to adjudicate the complaint, the rights of the recipient to contest the complaint, and the documents, evidence, or materials necessary for proper adjudication of the complaint;

(4) Provide training in the rules and regulations governing taxicab operators to all personnel responsible for reviewing complaints;

(5) Provide information on its website about the appeals process for complaints;

(6) Conduct annual performance and compliance audits of the complaints received by the Commission, how those complaints were handled, and how those complaints were used to improve the provision of taxicab service in the District; and

(7) Employ hearing examiners or hearing officers to hear and adjudicate complaints or other matters before the Commission or refer the matters to the Office of Administrative Hearings, pursuant to Chapter 18A of Title 2 [§ 2-1831.01 et seq.].

(D.C. Law 6-97, § 20m, as added Oct. 22, 2012, D.C. Law 19-184, § 2(s), 59 DCR 9431; Apr. 23, 2013, D.C. Law 19-270, § 2(k), 60 DCR 1717.)

Section references. — This section is referenced in § 50-307.

Effect of amendments. — The 2012 amendment by D.C. Law 19-184 added this section.

The 2013 amendment by D.C. Law 19-270 rewrote (1), which read “Allow the public to file complaints electronically on its website.”

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-329.04. Dome light and Taxicab Smart Meter System installation businesses.

No person or business shall violate or aid and abet a violation of public vehicle-for-hire laws, rules, and regulations applicable to the installation of a dome light or a Taxicab Smart-Meter System. The Commission shall have

authority to determine, by rule, appropriate fines and penalties for violations of this section.

(Mar. 25, 1986, D.C. Law 6-97, § 20n, as added Apr. 23, 2013, D.C. Law 19-270, § 2(l), 60 DCR 1717.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-270 added this section.

Emergency legislation. — For temporary (90 days) repeal of D.C. Law 19-270, § 5, see § 7017 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-270, § 5, see 7017 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-270. — See note to § 50-303.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — Section 5 of D.C. Law 19-270 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7017 of D.C. Law 20-61 repealed D.C. Law 19-270, § 5.

§ 50-329.05. Fleeing from a public vehicle inspection officer in a public vehicle-for-hire.

(a)(1) An operator of a public vehicle-for-hire who knowingly fails or refuses to bring the public vehicle-for-hire to an immediate stop, or who flees or attempts to elude a public vehicle inspection officer, following the public vehicle inspection officer’s signal to bring the public vehicle-for-hire to a stop, shall be fined not more than the amount set forth in § 22-3571.01, or be imprisoned for not more than 180 days.

(2) An operator of a public vehicle for hire who violates paragraph (1) of this subsection and while doing so drives the public vehicle-for-hire in a manner that would constitute reckless driving under § 50-2201.04(b), or cause property damage or bodily injury, shall be fined not more than the amount set forth in § 22-3571.01, or be imprisoned for not more than 5 years.

(b) It is an affirmative defense under this section if the operator of a public vehicle-for-hire can show, by a preponderance of the evidence, that his or her failure to stop immediately was based upon a reasonable belief that his or her personal safety or the safety of passengers was at risk. In determining whether the operator has met this burden, the court may consider the following factors:

- (1) The time and location of the event;
- (2) Whether the public vehicle inspection officer was in a vehicle clearly identifiable by its markings, or if unmarked, was occupied by a public vehicle inspection officer in uniform or displaying a badge or other sign of authority;
- (3) The conduct of the public vehicle-for-hire operator while being followed by the public vehicle inspection officer;
- (4) Whether the public vehicle-for-hire operator stopped at the first available reasonably lighted or populated area; and
- (5) Any other factor the court considers relevant.

(c)(1)(A) The Chairperson of the Commission shall suspend the license or licenses for operating a public vehicle-for-hire, as required by the Commission

pursuant to this subchapter, of a person convicted under subsection (a)(1) of this section for a minimum of 30 days, but no more than 180 days, without further administrative action by the Commission.

(B) The Chairperson of the Commission may suspend the license or licenses for operating a public vehicle-for-hire, as required by the Commission pursuant to this subchapter, of a person convicted under subsection (a)(2) of this section for a period of no more than one year without further administrative action by the Commission.

(2) A suspension of a public vehicle-for-hire operator's license or licenses under paragraph (1) of this subsection for a person who has been sentenced to a term of imprisonment for a violation of subsection (a)(1) or (2) of this section shall begin following the person's release from incarceration.

(Mar. 25, 1986, D.C. Law 6-97, § 20o, as added June 19, 2013, D.C. Law 19-320, § 402, 60 DCR 3390.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-320 added this section.

Emergency legislation. — For temporary addition of section, see § 402 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) addition of this section, see § 402 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-320. — Law 19-320, the “Omnibus Criminal Code Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-645. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Feb. 11, 2013, it was assigned Act No. 19-677 and transmitted to Congress for its review. D.C. Law 19-320 became effective on June 19, 2013.

Subchapter III. Payment of Taxicab Charge.

§ 50-351. Payment of taxicab charge. [Repealed].

Repealed.

(Feb. 26, 1981, D.C. Law 3-117, § 2, 27 DCR 5636; Oct. 22, 2012, D.C. Law 19-184, § 3, 59 DCR 9431; June 11, 2013, D.C. Law 19-317, § 261, 60 DCR 2064.)

Emergency legislation. — For temporary (90 days) amendment of this section, see § 261 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropria-

tions Repealers Amendment Act of 2013”.

Editor’s notes. — D.C. Law 19-317 purported to amend this section, but the act became effective after this section’s repeal. D.C. Law 19-317 would have substituted “not more than the amount set forth in § 22-3571.01” for “of not more than \$300”.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

Subchapter IV. Loitering By Taxicabs.

§ 50-371. Loitering of public cabs. [Repealed].

Repealed.

(July 11, 1919, 41 Stat. 104, ch. 7, § 12; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Mar. 31, 1982, D.C. Law 4-89, § 3, 29 DCR 661; Oct. 22, 2012, D.C. Law 19-184, § 4, 59 DCR 9431; June 11, 2013, D.C. Law 19-317, § 262, 60 DCR 2064.)

Emergency legislation. — For temporary (90 days) amendment of this section, see § 262 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of D.C. Law 19-184, § 7, see § 7007 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-184. — See note to § 50-301.

Legislative history of Law 19-317. — See note to § 50-351.

Short title. — Section 7001 of D.C. Law 20-61 provided that Subtitle A of Title VII of the act may be cited as the “Subject to Appropriations Repealers Amendment Act of 2013”.

Editor’s notes. — D.C. Law 19-184, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an

approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

D.C. Law 19-317 purported to amend this section, but the act became effective after this section’s repeal. D.C. Law 19-317 would have substituted “not more than the amount set forth in § 22-3571.01” for “not to exceed \$300” in the third paragraph.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Section 7 of D.C. Law 19-184 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Section 7007 of D.C. Law 20-61 repealed D.C. Law 19-184, § 7.

*Subchapter V. Taxicab Metering.***§ 50-381. Metered taxicabs in the District of Columbia.****CASE NOTES****Traffic stops.**

D.C. Taxicab Commission's (DCTC's) promulgation of General Order rendered moot claim for injunctive relief by taxicab drivers' association alleging that DCTC's policy of encouraging unlawful traffic stops and inspections by hack inspectors violated the Fourth Amendment and seeking adoption of the same policy formalized

in order permitting traffic stops only where there was reasonable cause; no reasonable expectation existed that DCTC would retract order in the future, and order provided sufficiently clear direction to government employees to ameliorate effects of alleged violation. *D.C. Professional Taxicab Drivers Ass'n v. District of Columbia*, 2012 WL 3065309 (2012).

CHAPTER 4. UNIFORM CLASSIFICATION AND COMMERCIAL DRIVER'S LICENSE.

Sec.
50-405. Penalties.

§ 50-405. Penalties.

(a) If the Mayor has reason to believe that a person has violated any of the requirements in § 50-403 or § 50-404, the alleged violation shall be enforced in accordance with Chapter 23 of this title, and rules issued by the Mayor pursuant to § 50-409. Any person who is determined by the Mayor, after notice and opportunity to be heard, to have violated § 50-403 or § 50-404, shall be liable to the District for a civil fine of not less than \$100 nor more than \$1000 for the first violation, of not less than \$500 nor more than \$2000 for the second violation, or of not less than \$1000 nor more than \$5000 for the third or a subsequent violation.

(b)(1) As an alternative sanction, any person who knowingly or willfully violates § 50-403 or § 50-404 shall be guilty of an offense and, upon conviction, may be:

(A) Fined not less than \$100 and not more than the amount set forth in § 22-3571.01, imprisoned for not more than 6 months, or both, for the first violation;

(B) Fined not less than \$500 and not more than the amount set forth in § 22-3571.01, imprisoned not less than 6 months nor more than 9 months, or both, for the second violation; or

(C) Fined not less than \$1000 and not more than the amount set forth in § 22-3571.01, imprisoned for not less than 9 months nor more than 1 year, or both, for the third or a subsequent violation.

(2) Prosecutions for violations of this subsection shall be brought by the Corporation Counsel.

(Sept. 20, 1990, D.C. Law 8-161, § 6, 37 DCR 4665; June 11, 2013, D.C. Law 19-317, § 263, 60 DCR 2064.)

Section references. — This section is referenced in § 16-801.

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “and not more than the amount set forth in § 22-3571.01” for “nor more than \$1000” in (b)(1)(A), for “nor more than \$2000” in (b)(1)(B), and for “nor more than \$5000” in (b)(1)(C).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 263 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law

19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

SUBTITLE II. CONSUMER PROTECTION.

CHAPTER 6. INSTALLMENT SALES OF MOTOR VEHICLES.

Sec.
50-607. Penalties.

§ 50-607. Penalties.

Any person who shall violate any provision of this chapter or of any regulation promulgated by the Council of the District of Columbia under the authority of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine not more than the amount set forth in § 22-3571.01 or by imprisonment for not more than 6 months, or both. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this chapter, or any rules or regulations issued under the authority of this chapter, pursuant to Chapter 18 of Title 2. Adjudication of any infraction of this chapter shall be pursuant to Chapter 18 of Title 2.

(Apr. 22, 1960, 74 Stat. 73, Pub. L. 86-431, § 8; Oct. 5, 1985, D.C. Law 6-42, § 435, 32 DCR 4450; June 11, 2013, D.C. Law 19-317, § 264, 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not exceeding \$500”.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 264 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in

Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

SUBTITLE IV. MOTORIZED VEHICLE REGISTRATION, INSPECTION, LICENSING.

CHAPTER 9A. DEPARTMENT OF TRANSPORTATION.

Subchapter I. General

- Sec.
50-921.02. Director.
50-921.13. The District Department of Transportation Enterprise Fund for Transportation Initiatives.
50-921.14. District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund.
50-921.15. Sustainable Transportation Fund.
50-921.16. Bicycle Sharing Fund.

Subchapter II. DC Circulator Bus Service

- 50-921.33. DC Circulator Fund establishment.
50-921.34. Fares; structure; purpose.

Subchapter III. Capital Project Review and Reconciliation

- 50-921.51. Definitions.

Sec.

- 50-921.52. Criteria for closing capital projects.
50-921.53. Use of funds resulting from closure.
50-921.54. Quarterly summary.

Subchapter IV. DC Streetcar Service

- 50-921.71. Definitions.
50-921.72. DC Streetcar.
50-921.73. DC Streetcar Fund establishment.
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50-921.76. Rulemaking; enforcement; and adjudication.
50-921.77. Coordination with the Washington Metropolitan Area Transit Authority.

Subchapter I. General.

§ 50-921.01. Establishment of the Department of Transportation.

Emergency legislation.

For temporary (90 days) allocation of traffic control officers, see §§ 6102 and 6103 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) allocation of traffic control officers, see §§ 6102 and 6103 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Short title. — Section 6101 of D.C. Law 20-61 provided that Subtitle K of Title VI of the act may be cited as the “Allocation of Traffic Control Officers Act of 2013”.

Editor’s notes. — Section 6102 of D.C. Law 20-61 provided: “Safety justification. The District Department of Transportation (‘DDOT’) shall:

“(1) Justify the placement of Traffic Control Officers (‘TCOs’) at intersections based on safety, except when needed to manage special events or construction sites or when safety concerns for TCOs exist; and

“(2) Prioritize placement of TCOs at the 10 most dangerous intersections during peak hazardous times.”

Section 6103 of D.C. Law 20-61 provided: “Public notification of safety justification and dangerous intersections. On or before February 1, 2014, DDOT shall publish on its website:

“(1) A standard safety justification for the placement of TCOs; and

“(2) A list of the 10 most dangerous intersections that will have TCOs during the most hazardous times of day, and the corresponding justification for these placements.”

§ 50-921.02. Director.

(a) The DDOT shall be headed by a Director. The Director shall be appointed by the Mayor with the advice and consent of the Council pursuant to § 1-523.01(a).

(b) The Director shall have authority over DDOT, its functions and personnel, including the power to re-delegate to employees authority as, in the judgment of the Director, is warranted in the interests of efficiency and sound administration.

(c)(1) The Director may issue grants not to exceed \$1 million per grant to achieve the District's transportation goals, including safety objectives.

(2) No later than December 31 of each year, the Mayor shall submit to the Council an annual report specifying for each grant awarded by the District Department of Transportation in the prior fiscal year the following information:

- (A) The name of the recipient;
- (B) The amount awarded;
- (C) The purpose for the grant awarded;
- (D) A description of outcomes to be achieved with the funds of the grant;

and

(E) An evaluation of whether the identified outcomes have been achieved with the grant.

(3) Notwithstanding paragraph (1) of this subsection, the Director may issue sole source subgrants in excess of \$1 million to the Union Station Redevelopment Corporation for the purpose of improving Union Station; provided, that the grants are federal grants and that the Union Station Redevelopment Corporation provides any necessary match.

(d)(1) The Director may enter into agreements with community-based organizations to support community-based transportation enhancement activities that are funded and approved by the Federal Highway Administration.

(2) An agreement made pursuant to this subsection shall constitute an agreement making or receiving grants-in-aid and shall be exempt from Chapter 3A of Title 2, in accordance with § 2-351.05(c)(12).

(3) The Director shall submit to the Council on an annual basis a report detailing such grants and agreements.

(e)(1) The Director shall not spend directly from capital projects created in fiscal year 2012 or later that are funded through the District of Columbia Highway Trust Fund established under § 9-111.01.

(2) The Director may submit requests to the Office of Budget and Planning of the Office of the Chief Financial Officer ("OBP") to allocate funds for the Related Projects of each capital project created in fiscal year 2012 or later funded from the District of Columbia Highway Trust Fund. The Director, following allocation of funds by OBP to Related Projects, shall have the authority to obligate and spend the funds.

(f) The Director may:

(1) Enter into agreements with private nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities pursuant to 49 U.S.C. § 5310 (the "5310 Program");

(2) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate;

(3) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the

5310 Program guidelines and regulations enacted pursuant to this subsection, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives;

(4) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director; and

(5) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor's authority under subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.].

(g)(1) The Director may enter into agreements with jurisdictions in the Washington metropolitan area ("regional jurisdictions") to plan, fund, design, construct, and otherwise carry out transportation projects.

(2) DDOT may receive funds from and disperse funds to regional jurisdictions for the purposes of planning, funding, designing, constructing, and otherwise carrying out the transportation projects.

(3) DDOT may take other appropriate actions to plan, fund, design, construct, and otherwise carry out the transportation projects, including performing work, including construction work, in regional jurisdictions.

(May 21, 2002, D.C. Law 14-137, § 3, 49 DCR 3444; Mar. 13, 2004, D.C. Law 15-105, § 20(b), 51 DCR 881; Apr. 13, 2005, D.C. Law 15-354, § 77(b), 52 DCR 2638; Oct. 22, 2008, D.C. Law 17-248, § 2(a), 55 DCR 9203; Sept. 14, 2011, D.C. Law 19-21, § 11002, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6024(a), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 220, 59 DCR 6190; Mar. 19, 2013, D.C. Law 19-241, § 2(a), 59 DCR 14794; Dec. 24, 2013, D.C. Law 20-61, § 6122, 60 DCR 12472.)

Section references. — This section is referenced in § 50-921.13.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (c)(3).

The 2012 amendment by D.C. Law 19-171 substituted "shall be exempt from Chapter 3A of Title 2, in accordance with § 2-351.05(c)(12)" for "shall be exempt from Unit A of Chapter 3 of Title 2, in accordance with § 2-301.04(b)" in (d)(2).

The 2013 amendment by D.C. Law 19-241 added (f).

The 2013 amendment by D.C. Law 20-61 added (g).

Temporary Amendment of Section.

Section 2 of D.C. Law 19-166 added (c)(3) to read as follows:

"(3) Notwithstanding paragraph (1) of this subsection, the Director may issue sole source subgrants in excess of \$1 million to the Union Station Redevelopment Corporation for the purpose of improving Union Station; provided, that the grants are federal grants and that the Union Station Redevelopment Corporation provides any necessary match."

Section 4(b) of D.C. Law 19-166 provided that the act shall expire after 225 days of its having taken effect.

Section 2(a) of D.C. Law 19-208 added subsection (f) to read as follows:

"(f) The Director may enter into agreements with private nonprofit organizations to provide those nonprofit organizations vehicles to transport elderly residents and residents with disabilities pursuant to 49 U.S.C. § 5310 (the '5310 Program'). Furthermore, the Director shall have the authority to:

"(1) Provide an application for the 5310 Program each year, solicit applicants to apply, and administer a selection process to identify which eligible applicants may participate in the 5310 Program;

"(2) Enter into agreements with the nonprofit organizations that are selected to receive vehicles to ensure they use the vehicles as prescribed by the 5310 Program guidelines and regulations enacted pursuant to this subsection, including the requirement that the vehicle recipient deposit matching funds into the District Department of Transportation Enterprise Fund for Transportation Initiatives;

“(3) Enter into contracts with third parties for the procurement and maintenance of eligible vehicles to be used by the nonprofit organizations selected by the Director; and

“(4) Promulgate, amend, or repeal rules to implement the provisions of this subsection, pursuant to the Mayor’s authority under Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 et seq.).”

Section 4(b) of D.C. Law 19-208 provided that the act shall expire after 225 days of its having taken effect.

For temporary (225 days) amendment of this section, see § 2(a) of the Transportation Infrastructure Mitigation Temporary Amendment Act of 2013 (D.C. Law 20-68, February 22, 2014, 61 DCR 19).

Emergency legislation. — For temporary amendment of (f), see § 2(a) of the District Department of Transportation Accessible Vehicles Fund Emergency Amendment Act of 2012 (D.C. Act 19-465, October 4, 2012, 59 DCR 11764).

For temporary (90 day) amendment of section, see § 2(a) of Department of Transportation Establishment Emergency Amendment Act of 2008 (D.C. Act 17-308, February 25, 2008, 55 DCR 2522).

For temporary (90 day) amendment of section, see § 2 of District Department of Transportation Grant Authority Emergency Amendment Act of 2012 (D.C. Act 19-353, May 11, 2012, 59 DCR 5125).

For temporary (90 day) amendment of section, see § 2 of the District Department of Transportation Grant Authority Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-405, July 24, 2012, 59 DCR 9122).

For temporary (90 days) amendment of this section, see § 2(a) of the DDOT Accessible Vehicles Fund Congressional Review Emergency Act of 2013 of 2013 (D.C. Act 20-7, January 31, 2013, 60 DCR 2809, 20 DCSTAT 456).

For temporary (90 days) amendment of this section, see § 2(a) of the Transportation Infrastructure Mitigation Emergency Amendment Act of 2013 (D.C. Act 20-198, October 17, 2013, 60 DCR 15327).

For temporary (90 days) amendment of this section, see § 6122 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6122 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

For temporary (90 days) amendment of this section, see §§ 2(a) and 3 of the Transportation Infrastructure Mitigation Congressional Review Emergency Amendment Act of 2014 (D.C. Act 20-268, January 15, 2014, 61 DCR 785).

For temporary (90 days) amendment of this section, see §§ 2 and 3 of the Transportation Infrastructure Mitigation Clarification Emergency Amendment Act of 2014 (D.C. Act 20-298, March 14, 2014, 61 DCR 2566, 20 DCSTAT 3065).

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-241. — Law 19-241, the “District Department of Transportation Accessible Vehicles Fund Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-952. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 4, 2012, it was assigned Act No. 19-561 and transmitted to Congress for its review. D.C. Law 19-241 became effective on Mar. 19, 2013.

Legislative history of Law 20-61. — See note to § 50-921.01.

Short title.

Section 6121 of D.C. Law 20-61 provided that Subtitle M of Title VI of the act may be cited as the “District Department of Transportation Jurisdiction Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 6123 of D.C. Law 20-61 provided that § 6122 of the act shall apply as of June 15, 2013.

§ 50-921.04. Duties.

Section references. — This section is referenced in § 5-401.01, § 50-921.06, and § 50-921.16.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 made a technical correction to D.C. Law 18-339 which did not affect this section as codified.

The 2013 amendment by D.C. Law 19-234 rewrote (2)(K).

Temporary Amendment of Section.

Section 2(a) of D.C. Law 19-198 amended (2)(K) to read as follows;

“The offices of the DDOT shall plan, program, operate, manage, control, and maintain systems, processes, and programs to meet transportation needs as follows:

“(2) Transportation Policy and Planning Administration shall:

“(K) Develop policies and programs to encourage and provide for the safe use of bicycles for recreational and work-related travel, including planning, developing, operating, and regulating a Bike Sharing program, and administering the Bicycle Sharing Fund established by section 9f to fund a Bike Sharing program;”

Section 5(b) of D.C. Law 19-198 provided that the act shall expire after 225 days of its having taken effect.

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-234. — Law 19-234, the “District Department of Transpor-

tation Bicycle Sharing Fund Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-856. The Bill was adopted on first and second readings on Nov. 1, 2012, and Nov. 15, 2012, respectively. Signed by the Mayor on Nov. 30, 2012, it was assigned Act No. 19-551 and transmitted to Congress for its review. D.C. Law 19-234 became effective on Mar. 19, 2013.

Editor’s notes. — Section 6062 of D.C. Law 19-168 provided that on or before September 30, 2013, the District Department of Transportation shall prepare a policy compendium listing all of the agency’s policies and procedures that affect the management of the transportation network and public space; and that the District Department of Transportation shall make the policy compendium available online.

Section 6063 of D.C. Law 19-168 provided that on or before October 1, 2012, January 1, 2013, April 1, 2013, and July 1, 2013, the District Department of Transportation shall submit a report to the Council on the status of the policy compendium, the progress made in the preceding quarter, and the projected timeline for completion.

Section 8 of D.C. Law 19-289 rewrote (4)(G)(iii) to read as follows: “The requirements of §§ 1-303.21 and 1-303.23, and rules issued pursuant to those sections, pertaining to outdoor signs and other forms of exterior advertising in the District of Columbia, shall not apply; and”.

Section 9 of D.C. Law 19-289 provided: “Any order, rule, or regulation in effect under a law replaced by this act shall remain in effect until repealed, amended, or superseded.”

Applicability of D.C. Law 19-289, § 8: Section 10 of D.C. Law 19-289 provided that sections 3, 4, 5, 6, 7, and 8 of the act shall not apply until the Mayor’s issuance of a comprehensive final rulemaking governing signs on public space and private property pursuant to section 2 of the act. Section 2 of D.C. Law 19-289 rewrote §§ 1-303.21 and 1-303.23, and repealed § 1-303.22.

§ 50-921.10. District Department of Transportation Operating Fund. [Repealed].

Editor’s notes.

The 2012 amendment by D.C. Law 19-171

made a technical correction to D.C. Law 17-353 which did not affect the repeal of this section.

§ 50-921.13. The District Department of Transportation Enterprise Fund for Transportation Initiatives.

(a) There is established as a nonlapsing fund the District Department of

Transportation Enterprise Fund for Transportation Initiatives (“Fund”), which shall be administered by the Director of the District Department of Transportation and which shall be used by the District Department of Transportation to pay for goods, services, property, capital improvements, or for any other permitted purpose as authorized by §§ 50-921.02(f) and 50-912.04 and to pay into the Highway Trust Fund.

(b) All revenue from the following shall be deposited into the Fund, beginning October 1, 2011:

- (1) Fines from the enforcement of truck safety and size, weight, and noise regulations;
- (2) Advertisements on multispace parking meter receipts;
- (3) Repealed;
- (4) Public inconvenience fees, described in 24 DCMR § 225.1(c);
- (5) Fees related to car sharing after the first \$270,000 in revenue per fiscal year.
- (6) Loading zone management program revenue, including:
 - (A) The commercial permit parking pass revenue;
 - (B) Commercial permit parking fees;
 - (C) Other related citations and fines;
- (7) Any other revenues, including grants or gifts, as may from time-to-time be dedicated to the Fund; and
- (8) Matching funds from private nonprofit organizations for the 5310 Program pursuant to § 50-921.02(f).

(c) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 9e, as added Apr. 8, 2011, D.C. Law 18-370, § 626(c), 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 6052, 58 DCR 6226; Mar. 19, 2013, D.C. Law 19-234, § 2(b), 59 DCR 14772; Mar. 19, 2013, D.C. Law 19-241, § 2(b), 59 DCR 14794.)

Section references. — This section is referenced in § 50-921.04 and § 50-2635.

Effect of amendments.

The 2013 amendment by D.C. Law 19-234 repealed (b)(3), which read: “Advertisements on elements of the bikeshare system, including bicycles and stations”.

The 2013 amendment by D.C. Law 19-241 substituted “§§ 50-921.02(f) and 50-921.04” for “§ 50-921.04” in (a); added (b)(8); and made related changes.

Temporary legislation. — Section 2(b) of D.C. Law 19-198 repealed (b)(3).

Section 2(c) of D.C. Law 19-198 added D.C. 14-137, § 9f to read as follows:

“Sec. 9f. Bicycle Sharing Fund.

“(a) There is established as a nonlapsing,

special purpose revenue fund the Bicycle Sharing Fund (‘Fund’). The Fund shall be administered by the Director of the District Department of Transportation and used to pay for goods, services, and property and for any other purpose under the Bike Sharing program established pursuant to section 5(2)(K).

“(b) All revenue related to the Bike Sharing program, from whatever source derived, shall be deposited into the Fund as of the effective date of this section.

“(c) All funds deposited into the Fund and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes

set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.”

Section 5(b) of D.C. Law 19-198 provided that the act shall expire after 225 days of its having taken effect.

Section 2(b) of D.C. Law 19-208 amended this section as follows:

(1) Subsection (a) is amended by striking the phrase “section 5” and inserting the phrase “sections 3(f) and 5” in its place.

(2) Subsection (b) is amended as follows:

(A) Paragraph (6)(C) is amended by striking the phrase “fines; and” and inserting the phrase “fines;” in its place.

(B) Paragraph (7) is amended by striking the phrase “Fund.” and inserting the phrase “Fund; and” in its place.

(C) A new paragraph (8) is added to read as follows: “(8) Matching funds from private non-profit organizations for the 5310 Program pursuant to section 3(f).”

Section 4(b) of D.C. Law 19-208 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary (90 day) amendment of section, see § 2(b) of District Department of Transportation Bicycle Sharing Fund Emergency Amendment Act of 2012 (D.C. Act 19-424, July 27, 2012, 59 DCR 9375).

For temporary (90 day) addition of section, see § 2(c) of District Department of Transportation Bicycle Sharing Fund Emergency Amendment Act of 2012 (D.C. Act 19-424, July 27, 2012, 59 DCR 9375).

For temporary amendment of (a) and (b), see § 2(b) of the District Department of Transportation Accessible Vehicles Fund Emergency Amendment Act of 2012 (D.C. Act 19-465, October 4, 2012, 59 DCR 11764).

For temporary (90 days) amendment of this section, see § 2(b) of the DDOT Accessible Vehicles Fund Congressional Review Emergency Act of 2013 of 2013 (D.C. Act 20-7, January 31, 2013, 60 DCR 2809, 20 DCSTAT 456).

Legislative history of Law 19-234. — See note to § 50-921.04.

Legislative history of Law 19-241. — See note to § 50-921.02.

§ 50-921.14. District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund.

(a) There is established the District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund (“Fund”), which shall be administered by the Director of the District Department of Transportation and used by the District Department of Transportation to pay the vendor responsible for maintaining the parking meter pay-by-phone payment system.

(b) Notwithstanding § 50-2603(8), all transaction fees added to the parking meter fees imposed upon users who pay for parking with the pay-by-phone system shall be deposited into the Fund beginning October 1, 2012.

(May 21, 2002, D.C. Law 14-137, § 9f, as added Sept. 20, 2012, D.C. Law 19-168, § 6002, 59 DCR 8025.)

Section references. — This section is referenced in § 50-921.04 and § 50-2603.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.02.

§ 50-921.15. Sustainable Transportation Fund.

(a) There is established as a nonlapsing fund the Sustainable Transportation Fund (“Fund”), which shall be administered by the Director of the District Department of Transportation and be used by the District Department of Transportation on approved capital projects for bus-operating enhancements, including:

(1) Unfunded recommendations in WMATA Bus Line Studies and WMATA Service Evaluations; and

(2) Other investments determined by the Mayor to enhance bus transit operational efficiency and customer service within the District of Columbia.

(b) Fees collected for the parking of vehicles where meters or devices are installed shall be deposited into the Fund in accordance with § 50-2603(8)(B).

(c) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 9g, as added Sept. 20, 2012, D.C. Law 19-168, § 6024(b), 59 DCR 8025; Dec. 24, 2013, D.C. Law 20-61, § 6034, 60 DCR 12472.)

Section references. — This section is referenced in § 50-2603.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

The 2013 amendment by D.C. Law 20-61 substituted “§ 50-2603(8)(B)” for “§ 50-2603(8)(C)” in (b).

Temporary Addition of Section. — Section 2 of D.C. Law 19-212 added D.C. Law 14-137, § 9h, to read as follows:

“Sec. 9h. Parking Meter Fund.

“(a) For fiscal year 2013, there is established as a lapsing, special purpose revenue fund the Parking Meter Fund (‘Fund’). The Fund shall be administered by the Director of the District Department of Transportation and used for the following purposes:

“(1) To pay for the maintenance of parking meters in the District; and

“(2) To provide the local match for a Federal Highway Administration grant for performance parking.

“(b) Notwithstanding section 9g and section 3(h) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942 (56 Stat. 91; D.C. Official Code § 50-2603(8)), a total of \$2.9 million in parking meter revenue shall be deposited into the Fund as of the effective date of this section.”

Section 4(b) of D.C. Law 19-212 provided that

the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary addition of D.C. Law 14-137, § 9g, concerning the Parking Meter Fund, see § 2 of the District Department of Transportation Parking Meter Fund Establishment Emergency Amendment Act of 2012 (D.C. Act 19-476, October 9, 2012, 59 DCR 12101).

For temporary (90 days) amendment of this section, see § 6034 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6034 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-168. — See note to § 50-921.02.

Legislative history of Law 20-61. — See note to § 50-921.01.

Short title. — Section 6031 of D.C. Law 20-61 provided that Subtitle D of Title VI of the act may be cited as the “District Department of Transportation Parking Meter Revenue Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-921.16. Bicycle Sharing Fund.

(a) There is established as a nonlapsing, special purpose revenue fund the Bicycle Sharing Fund (‘Fund’). The fund shall be administered by the Director of the District Department of Transportation and used to pay for goods, services, property and for any other purpose under the Bike Sharing program established pursuant to section 50-921.04(2)(K).

(b) All revenue related to the Bike Sharing program, from whatever source derived, shall be deposited into the Fund as of March 19, 2013.

(c) All funds deposited into the Fund, including any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 9f [9h], as added Mar. 19, 2013, D.C. Law 19-234, § 2(c), 59 DCR 14772.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-234 added this section.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(b) of the Transportation Infrastructure Mitigation Temporary Amendment Act of 2013 (D.C. Law 20-68, February 22, 2014, 61 DCR 19).

For temporary (225 days) addition of D.C. Law 14-137, § 9i, concerning the Transportation Infrastructure Project Review Fund, see § 2(c) of the Transportation Infrastructure Mitigation Temporary Amendment Act of 2013 (D.C. Law 20-68, February 22, 2014, 61 DCR 19).

Emergency legislation. — For temporary (90 days) addition of D.C. Law 14-137, § 9h, concerning the Parking Meter Fund, see § 2 of the District Department of Transportation Parking Meter Fund Establishment Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-2, January 29, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 2(b) of the Transportation Infrastructure Mitigation Emergency Amendment Act of 2013 (D.C. Act 20-198, October 17, 2013, 60 DCR 15327).

For temporary (90 days) addition of D.C. Law 14-137, § 9i, concerning the Transportation Infrastructure Project Review Fund, see § 2(c) of the Transportation Infrastructure Mitigation Emergency Amendment Act of 2013 (D.C. Act 20-198, October 17, 2013, 60 DCR 15327).

For temporary (90 days) amendment of this section, see §§ 2(b) and 3 of the Transportation Infrastructure Mitigation Congressional Review Emergency Amendment Act of 2014 (D.C. Act 20-268, January 15, 2014, 61 DCR 785).

For temporary (90 days) addition of D.C. Law 14-137, § 9i, concerning the Transportation Infrastructure Project Review Fund, see §§ 2(c) and 3 of the Transportation Infrastructure Mitigation Congressional Review Emergency Amendment Act of 2014 (D.C. Act 20-268, January 15, 2014, 61 DCR 785).

Legislative history of Law 19-234. — See note to § 50-921.04.

Subchapter II. DC Circulator Bus Service.

§ 50-921.33. DC Circulator Fund establishment.

(a) There is hereby established the DC Circulator Fund as a nonlapsing special fund, the funds of which shall be for the Department to pay for goods, services, property, or for any other authorized purpose, subject to authorization by Congress, into which shall be deposited all revenue collected pursuant to § 50-921.32 by the District, WMATA, or their agents, parking meter revenue from the National Park Service for meters on the Mall, and all monetary gifts intended to be used to assist in the funding of the DC Circulator.

(b) Notwithstanding subsection (a) of this section, during any period of time in which a contract with WMATA is in effect, monies from the payment of fares, the purchase of tickets, and the sale of advertising space by third parties may be, with the written consent of the Chief Financial Officer for the District of Columbia and pursuant to the terms of the contract, deposited in a WMATA interest bearing account for the benefit of the District of Columbia and used by

WMATA to offset its costs of contract performance, but only to the extent that Congress has appropriated funds to the District to perform or procure those services; provided, that for a period of 8 months following March 2, 2010, no DC Circulator route shall replace more than 20% of the revenue miles or revenue hours of any WMATA route.

(May 21, 2002, D.C. Law 14-137, § 11c, as added Mar. 6, 2007, D.C. Law 16-225, § 3(e), 53 DCR 10232; May 27, 2010, D.C. Law 18-182, § 2(a), 57 DCR 3404; Sept. 14, 2011, D.C. Law 19-21, § 9093, 58 DCR 6226; Dec. 24, 2013, D.C. Law 20-61, § 6112, 60 DCR 12472.)

Section references. — This section is referenced in § 50-921.31.

Effect of amendments.

The 2013 amendment by D.C. Law 20-61, in (a), substituted “nonlapsing special fund” for “lapsing special purpose revenue fund” and substituted “or their agents, parking meter revenue from the National Park Service for meters on the Mall” for “or their agents”.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 6112 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this

section, see § 6112 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 50-921.01.

Short title. — Section 6111 of D.C. Law 20-61 provided that Subtitle L of Title VI of the act may be cited as the “District Department of Transportation DC Circulator Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-921.34. **Fares; structure; purpose.**

(a) Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Department, so as to result in revenues that shall:

(1) Pay the operating expenses and provide for repairs, maintenance, and depreciation of the DC Circulator vehicles or other assets owned or controlled by the District;

(2) Provide for payment of all principal and interest on outstanding revenue bonds; and

(3) Provide funds for any purpose the Department considers necessary and desirable to carry out the purposes of this section.

(b) Nothing in subsection (a) of this section shall prevent the Department from offering tickets at no cost or at discounted prices as part of the Department’s marketing of the DC Circulator.

(c) Beginning August 26, 2013, the Department shall not charge a DC Circulator fare to students on regular school days.

(May 21, 2002, D.C. Law 14-137, § 11d, as added Mar. 6, 2007, D.C. Law 16-225, § 3(e), 53 DCR 10232; Dec. 24, 2013, D.C. Law 20-61, § 10004, 60 DCR 12472.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 added (c).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 10004 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 10004 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 50-921.01.

Short title. — Section 10001 of D.C. Law

20-61 provided that Title X of the act may be cited as the “Revised Revenue Estimate Adjustment Allocation Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-921.38. Jurisdiction expansion and evaluation.

Editor’s notes. — D.C. Law 19-168, § 3012, added Title IV, consisting of §§ 11h to 11k, to D.C. Law 14-137. D.C. Law 14-137, § 11h, as

added by D.C. Law 19-168, § 9002, is codified as 50-921.51.

Subchapter III. Capital Project Review and Reconciliation.

§ 50-921.51. Definitions.

For the purposes of this subchapter, the term:

- (1) “CFO” means the Chief Financial Officer of the District of Columbia.
- (2) “Director of Capital Programs” means the Director of Capital Programs within the Office of Budget and Planning of the Office of the Chief Financial Officer.
- (3) “Inactive” means that no nonpersonal service funds have been obligated or expended for a capital project during the immediately preceding months.
- (4) “Local Streets Ward-Based Capital Projects” means the District Department of Transportation’s 8 local streets ward-based capital projects (Project No. SR301-SR308), which endeavor to preserve, maintain, repair, or replace the District’s sidewalks, curbs, and local roads.

(May 21, 2002, D.C. Law 14-137, § 11h [11i], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.02.

Editor’s notes. — D.C. Law 19-168, § 9002, added Title IV, consisting of §§ 11h to 11k, to D.C. Law 14-137.

Section 11h of D.C. Law 14-137, as added by D.C. Law 19-168, § 9002, is codified as this section.

Section 11h of D.C. Law 14-137, as added May 27, 2010, by D.C. Law 18-182, § 2(b), 57 DCR 3404, is codified as § 50-921.38.

§ 50-921.52. Criteria for closing capital projects.

(a) For any capital project funded from revenues in the Local Transportation Fund, the CFO, in consultation with the Mayor, may close the project if the project:

- (1) Has obligated or expended funds in excess of its approved budget; or
- (2) Has been inactive for 12 months or longer.

(b) For any capital project funded from revenues in the District of Columbia

§ 50-921.53 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

Highway Trust Fund, the CFO, in consultation with the Mayor and the Federal Highway Administration Division, may close the project if the project:

- (1) Has been closed by the United States Department of Transportation;
 - (2) Has an open balance of:
 - (A) \$500,000 or more, and has been inactive for 12 months;
 - (B) Between \$50,000 and \$499,999, and has been inactive for 24 months; or
 - (C) Less than \$50,000, and has been inactive for 36 months; or
 - (3) Has obligated or expended funds in excess of its approved budget.
- (c) If a capital project has a budget allotment in excess of its budget authority, the CFO, in consultation with the Mayor, may adjust the allotment to align it with the correct budget authority.
- (d) The CFO may delegate the authority granted to him or her by this section to the Director of Capital Programs.

(May 21, 2002, D.C. Law 14-137, § 11i [11j], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

<p>Section references. — This section is referenced in § 50-921.53.</p> <p>Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.</p>	<p>Legislative history of Law 19-168. — See note to § 50-921.51.</p> <p>Editor’s notes. — Section 11h of D.C. Law 14-137, as added as added by D.C. Law 19-168, § 3012, is codified as § 50-921.51.</p>
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§ 50-921.53. Use of funds resulting from closure.

- (a) Funds resulting from the closure of a capital project pursuant to § 50-921.52(a) shall be allocated to restore funding to the Pedestrian and Bicycle Safety Enhancement Fund, established by § 1-325.131, up to an annual level of \$1.5 million and then equally among the Local Streets Ward-Based Capital Projects.
- (b) Funds resulting from the closure of capital projects pursuant to section 50-921.52(b) shall be allocated to the Federal Highway Administration capital projects approved for the current fiscal year as part of that year’s Budget Request Act.

(May 21, 2002, D.C. Law 14-137, § 11j [11k], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

<p>Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.</p>	<p>Legislative history of Law 19-168. — See note to § 50-921.51.</p>
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§ 50-921.54. Quarterly summary.

The CFO shall submit to the Mayor and the Council a quarterly summary of all capital project closures conducted pursuant to this subchapter.

(May 21, 2002, D.C. Law 14-137, § 11k [11l], as added Sept. 20, 2012, D.C. Law 19-168, § 9002, 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 added this section.

Legislative history of Law 19-168. — See note to § 50-921.51.

Editor's notes. — Section 9012 of D.C. Law 19-168 provided that beginning October 1, 2012, the Mayor shall submit to the Council, on a quarterly basis, a report certified by the Chief Financial Officer of the District of Columbia

providing the lists of the projects or accounts to which any budget obligations or cash expenditures have been charged or reclassified under the Office of Contracting and Procurement's Article 3 provision for emergency approval of expenditures for the District Department of Transportation. The quarterly reports shall include documentation of sufficient capital budget to support the obligations or expenditures.

Subchapter IV. DC Streetcar Service.

§ 50-921.71. Definitions.

For the purposes of this subchapter, the term:

(1) "DC Streetcar" means a local fixed guideway transit network offering rail passenger service operated by the District government or its agent.

(2) "DC Streetcar Fund" or "Fund" means the fund established by § 50-921.73.

(3) "Ticket" includes a pass, token, or any other form of payment, including payments sold in bulk for resale, which may be used in lieu of cash.

(May 21, 2002, D.C. Law 14-137, § 11m, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

Section references. — This section is referenced in § 2-1831.03.

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — Law 19-268, the "District Department of Transportation DC Streetcar Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-795. The Bill was adopted on first and second readings on Nov. 15, 2012 and Dec. 4, 2012, respectively. Signed by the Mayor on Jan. 18, 2013, it was assigned Act No. 19-629 and transmitted to Congress for its review. D.C. Law 19-268 became effective on April 20, 2013.

Editor's notes. — D.C. Law 19-268, § 3, added Title V, consisting of §§ 11m to 11s, to D.C. Law 14-137.

Section 4 of D.C. Law 19-268 provided: "Comprehensive financing and governance plan. On or before December 31, 2013, the Mayor's DC Streetcar Financing and Governance Task Force shall develop a comprehensive financing and governance plan for DC Streetcar, and shall transmit this plan to the Council."

Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

§ 50-921.72. DC Streetcar.

The Department shall have the power to:

(1) Plan, develop, operate, control, and regulate the DC Streetcar, including establishing fares, charges, tickets, fines, and routes and schedules; and

(2) Sell space on and within DC Streetcar vehicles or other assets for the display of advertisements and enter into agreements with entities to sell space on vehicles or other assets in return for a fee, or as a gift or donation of services approved by the Mayor.

(May 21, 2002, D.C. Law 14-137, § 11n, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

§ 50-921.73 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

Section references. — This section is referenced in § 50-921.73.

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — See note to § 50-921.71.

Editor's notes. — Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

§ 50-921.73. DC Streetcar Fund establishment.

(a) There is established as a special fund the DC Streetcar Fund (“Fund”), which shall be administered by the Department in accordance with subsection (c) of this section.

(b) The Fund shall consist of revenue from the following sources:

(1) Revenue collected pursuant to §§ 50-921.72 and 50-921.74 by the District or its agents;

(2) Revenue collected from DC Streetcar financing districts to be established; and

(3) Monetary gifts and grants intended to be used to fund the DC Streetcar.

(c) The Fund shall be used to pay for goods, services, property, or for any other authorized purpose for the administration of the DC Streetcar.

(d) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(May 21, 2002, D.C. Law 14-137, § 11o, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

Section references. — This section is referenced in § 50-921.71.

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — See note to § 50-921.71.

Editor's notes. — Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

§ 50-921.74. Fares; structure; purpose.

(a) The Department shall set the rates and fares for the DC Streetcar.

(b) Nothing in subsection (a) of this section shall prevent the Department from offering tickets at no cost or at discounted prices as part of the Department's marketing of the DC Streetcar.

(c) The Department shall provide quality service at reasonable fares.

(May 21, 2002, D.C. Law 14-137, § 11p, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

Section references. — This section is referenced in § 50-921.73.

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — See note to § 50-921.71.

Editor's notes. — Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

§ 50-921.75. Labor negotiations with streetcar operators and technicians.

If federal funds are used to operate the Streetcar program, the Department shall ensure that employee protective arrangements for employees of the DC Streetcar program comply with 49 U.S.C. § 5333(b).

(May 21, 2002, D.C. Law 14-137, § 11q, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — See note to § 50-921.71.

Editor's notes. — Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

§ 50-921.76. Rulemaking; enforcement; and adjudication.

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to implement the provisions of this subchapter, including the manner and amount of a fare, fee, or fine.

(b) Civil fines, penalties, and fees may be imposed as sanctions for an infraction of a rule promulgated under subsection (a) of this section pursuant to Chapter 18 of Title 2 [§ 2-1801.01 et seq.].

(May 21, 2002, D.C. Law 14-137, § 11r, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — See note to § 50-921.71.

Editor's notes. — Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

§ 50-921.77. Coordination with the Washington Metropolitan Area Transit Authority.

The Department shall coordinate DC Streetcar planning and operations with the Washington Metropolitan Area Transit Authority to ensure efficient, cost-effective, and coordinated transit service throughout the District of Columbia.

(May 21, 2002, D.C. Law 14-137, § 11s, as added Apr. 20, 2013, D.C. Law 19-268, § 3, 60 DCR 1709.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-268 added this section.

Legislative history of Law 19-268. — See note to § 50-921.71.

Editor's notes. — Section 5 of D.C. Law 19-268 provided that this subchapter shall expire as of September 30, 2015.

CHAPTER 10. DRIVER LICENSE COMPACT.

§ 50-1001. Adopted.

Temporary Addition of Section. — Section 2 of D.C. Law 19-213 added D.C. Law 5-184, § 2a, to read as follows:

“Sec. 2a. Reinstatement of revoked licenses.

“(a) Within 15 days of the effective date of the Reckless Driving Emergency Amendment Act of 2012, effective September 21, 2012 (D.C. Act 19-451; 59 DCR 11095), the Mayor shall complete a review of each individual whose license is currently revoked or in the process of being revoked as the result of a reckless, careless, hazardous, or aggressive driving conviction in a foreign jurisdiction.

“(b) When conducting a review under this section, the Mayor shall immediately reinstate an individual’s license and reduce the points assessed for the conviction in a foreign jurisdiction from 12 to 2 unless the Mayor:

“(1) Determines that the conduct upon which the foreign conviction is based would have constituted all the elements of reckless driving under section 9 of the District of Columbia Traffic Act, 1925, approved March 3, 1925 (43 Stat. 1123; D.C. Official Code § 50-2201.04), if the offense had been committed in the District;

“(2) Determines that the conduct upon which the foreign conviction is based is of a substantially similar nature to a District offense or violation and, after assessing against the license the number of points for that offense or violation, the total number of points assessed against the license is 12 or greater; or

“(3) Cannot determine whether the conduct upon which the foreign conviction is based would have constituted reckless driving or another offense or violation under District law, and after assessing against the license 2 points, the total number of points assessed against the license is 12 or greater.

“(c)(1) Within 7 days after the completion of the review required by this section, the Mayor shall notify the individual of the Mayor’s determination.

“(2) Within 10 days of receiving notice under paragraph (1) of this subsection, an individual may request a hearing to contest the determination of the Mayor.

“(3) The Mayor shall schedule a hearing within 5 days of an individual’s request for a hearing.

“(4) Within 5 days after a hearing, the Mayor shall issue a final decision.

“(5) The Mayor shall bear the burden of proof to establish by clear and convincing evidence that revocation or assessment of points is appropriate.”

Section 4(b) of D.C. Law 19-213 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation. — For temporary addition of D.C. Law 5-184, § 2a, concerning reinstatement of revoked licenses, see § 2 of the Reckless Driving Emergency Amendment Act of 2012 (D.C. Act 19-451, September 21, 2012, 59 DCR 11095).

CHAPTER 11. INSPECTION.

Subchapter I. General

Sec.

50-1108. “Motor vehicle” defined.

Subchapter I. General.

§ 50-1108. “Motor vehicle” defined.

As used in this subchapter, the term “motor vehicle” means a vehicle propelled by an internal-combustion engine, electricity, or steam. The term “motor vehicle” shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by § 50-2201.02(12), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.

(Feb. 18, 1938, 52 Stat. 78, ch. 31, § 8, as added Mar. 15, 1985, D.C. Law 5-176, § 10, 32 DCR 748; Mar. 25, 2003, D.C. Law 14-235, § 4, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 203, 53 DCR 10225; Apr. 27, 2013, D.C. Law 19-290, § 3, 60 DCR 2343.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-290 rewrote the section.

Legislative history of Law 19-290. — Law 19-290, the “Motorized Bicycle Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-995. The Bill was adopted on

first and second readings on Dec. 4, 2012 and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 29, 2013, it was assigned Act No. 19-658 and transmitted to Congress for its review. D.C. Law 19-290 became effective on April 27, 2013.

CHAPTER 12. LIENS ON MOTOR VEHICLES OR TRAILERS.

Sec.

50-1201. Definitions.

50-1202. Lien to appear on certificate of title; effect of other liens.

Sec.

50-1215. False statements as to liens; violations of law chapter.

§ 50-1201. Definitions.

For the purposes of this chapter, the term:

(1) “Person” shall include one or more individuals, firms or unincorporated associations, or corporations.

(2) “Director” shall mean the Director of the Department of Motor Vehicles, including assistants or agents duly designated by the Mayor of the District of Columbia.

(3) “Recorder” shall mean an agent responsible for recording liens, appointed by the Director.

(4) “Certificate” shall mean a certificate of title for a motor vehicle or trailer issued by the Director.

(5) “Owner” shall mean the person to whom such certificate is issued by the Director.

(6) “Lien” shall mean any right or interest in or to, any security interest as defined in § 28:1-201 of the District of Columbia Official Code in, or lien or encumbrance upon any motor vehicle or trailer, or the equipment or accessories affixed or sold to be affixed thereto, in favor of a person other than the owner, except:

(A) A sale of such motor vehicle or trailer accompanied by delivery of possession and on execution of the assignment on the back of the certificate covering it; or

(B) Any possessory lien now or hereafter provided by law or any lien acquired in any judicial proceeding.

(7) “Instrument” shall mean any security agreement, as defined in § 28:9-105(l) [see now § 28:9-102(a)(47)] of the District of Columbia Official Code, creating such lien.

(8) “Lien information” shall mean the amount, kind, date of lien, name and address of holder or secured party as defined in § 28:9-105(m) [see now

§ 28:9-102(a)(72)] of the District of Columbia Official Code, and Recorder's record number, if any.

(9) "Motor vehicle" means a vehicle propelled by an internal-combustion engine, electricity, or steam. The term "motor vehicle" shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by § 50-2201.02(12), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.

(July 2, 1940, 54 Stat. 736, ch. 527, § 1; Dec. 30, 1963, 77 Stat. 771, Pub. L. 88-243, § 6(a); Mar. 15, 1985, D.C. Law 5-176, § 9, 32 DCR 748; Mar. 25, 2003, D.C. Law 14-235, § 5, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 204, 53 DCR 10225; Mar. 14, 2007, D.C. Law 16-279, § 201(a), 54 DCR 903; Mar. 25, 2009, D.C. Law 17-353, § 149, 56 DCR 1117; Apr. 27, 2013, D.C. Law 19-290, § 4, 60 DCR 2343.)

Section references. — This section is referenced in § 28:9-311.

Effect of amendments.

The 2013 amendment by D.C. Law 19-290 rewrote (9).

Legislative history of Law 19-290. — Law 19-290, the "Motorized Bicycle Amendment Act of 2012," was introduced in Council and as-

signed Bill No. 19-995. The Bill was adopted on first and second readings on Dec. 4, 2012 and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 29, 2013, it was assigned Act No. 19-658 and transmitted to Congress for its review. D.C. Law 19-290 became effective on April 27, 2013.

§ 50-1202. Lien to appear on certificate of title; effect of other liens.

During the time a certificate is outstanding for any motor vehicle or trailer, no lien against such motor vehicle or trailer or any equipment or accessories affixed or sold to be affixed thereto shall be valid except as between the parties and as to other persons having actual notice, unless and until entered on such certificate as hereinafter set forth; provided, that the foregoing shall not apply to a lien or liens in existence on January 1, 1940, against a motor vehicle or trailer for which a certificate is outstanding on January 1, 1941, or any equipment or accessories affixed thereto. The filing provisions of Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code do not apply to liens recorded as herein provided, and a lien has no greater validity or effect during the time a certificate is outstanding for the motor vehicle or trailer covered thereby by reason of the fact that the lien has been filed in accordance with that article. The perfection of a security interest of a motor vehicle or trailer under D.C. Official Code § 28:9-311(b) occurs upon receipt by the appropriate official in the Department of Motor Vehicles of a properly tendered application for a certificate of title on which the security interest is to be indicated.

(July 2, 1940, 54 Stat. 736, ch. 527, § 2; Dec. 30, 1963, 77 Stat. 771, Pub. L. 88-243, § 6(b); Apr. 27, 2013, D.C. Law 19-299, § 12, 60 DCR 2634.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-299 added the last sentence.

Legislative history of Law 19-299. — Law 19-299, the “Uniform Commercial Code Revision Act of 2012,” was introduced in Council

and assigned Bill No. 19-136. The Bill was adopted on first reading on Dec. 4, 2012. Signed by the Mayor on Feb. 8, 2013, it was assigned Act No. 19-667 and transmitted to Congress for its review. D.C. Law 19-299 became effective on Apr. 27, 2013.

§ 50-1215. False statements as to liens; violations of law chapter.

Any person intentionally making a false statement with respect to liens in an application for a certificate, or wilfully violating any of the provisions of this chapter, shall upon conviction be punished by a fine of not more than the amount set forth in § 22-3571.01 or be imprisoned for not more than 1 year, or both. Prosecutions for violations of this chapter shall be by the Corporation Counsel of the District of Columbia or any of his assistants, in the name of the District of Columbia.

(July 2, 1940, 54 Stat. 739, ch. 527, § 14; Mar. 14, 2007, D.C. Law 16-279, § 201(i), 54 DCR 903; June 11, 2013, D.C. Law 19-317, § 265, 60 DCR 2064.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “of not more than \$5,000”.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 265 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality

Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 13. MOTOR VEHICLE OWNERS AND OPERATORS RESPONSIBILITY.

Subchapter II. Administration of Chapter

Sec.

50-1301.07. Service of process on nonresident.

Subchapter V. Proof of Financial Responsibility

50-1301.37. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the

Sec.

United States, a state, or a political subdivision thereof; suspension for foreign convictions.

Subchapter VI. Violation of Provisions of Chapter; Penalties

50-1301.74. Failure to return license or registration; penalty.

50-1301.75. Penalty for violations of chapter.

Subchapter II. Administration of Chapter.

§ 50-1301.07. Service of process on nonresident.

(a) The operation by a nonresident or by his agent of a motor vehicle on any

public highway of the District of Columbia shall be deemed equivalent to an appointment by such nonresident of the Mayor or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceedings against such nonresident growing out of any accident or collision in which said nonresident or his agent may be involved while operating a motor vehicle on any such public highway, and said operation shall be a signification of his agreement that any such process against him, which is so served, shall be of the same legal force and validity as if served upon him personally in the District of Columbia. Service of such process shall be made by leaving a copy of the process with a fee of \$2 in the hands of the Mayor or in his office, and such service shall be sufficient service upon the said nonresident; provided, that notice of such service and a copy of the summons and complaint are forthwith sent by certified mail without return receipt requested by the plaintiff, or his attorney, to the defendant at his last known address. The plaintiff has a duty to exercise due diligence in the investigation of the last known address of the defendant. The court in which the action is pending may order such continuances as may be necessary to afford the defendant a reasonable opportunity to defend the action, and no judgment by default in any such action shall be granted until at least 20 days shall have elapsed after attempted service upon the defendant, as hereinabove provided, of a copy of the process and notice of service of said process upon the Mayor.

(b) For the purposes of this section:

(1) The term “operation” as used in connection with a motor vehicle includes any use as well as any operation of such vehicle.

(2) The term “nonresident” shall include any person who is not a resident of the District of Columbia and who was the owner or operator of a motor vehicle at the time such vehicle was involved in an accident or collision in the District of Columbia, and includes any such person who was a resident of the District of Columbia at the time such motor vehicle was involved in such accident or collision but who subsequently became a nonresident of the District of Columbia and is a nonresident thereof at the time process is sought to be served on him as a result of such accident or collision.

(c) The appointment of the Mayor or his successor in office to be the true and lawful attorney for such nonresident as provided by this section shall be irrevocable and binding upon the executor, administrator, or other personal representative of such nonresident. Where a nonresident has been served in accordance with this section and he dies thereafter, the court must allow the action to be continued against his executor, administrator, or other personal representative upon motion, and with such notice as the court deems proper. Except as otherwise provided in the 2 preceding sentences, service of process may be made on the executor, administrator, or other personal representative of a nonresident in the same manner as is provided in this section in the case of a nonresident.

(May 25, 1954, 68 Stat. 123, ch. 222, § 7; Aug. 28, 1958, 72 Stat. 954, Pub. L. 85-792, § 4; Mar. 19, 2013, D.C. Law 19-242, § 2, 59 DCR 14936.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-242 rewrote (a).

Legislative history of Law 19-242. — Law 19-242, the “Alternative Service of Process Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-752. The Bill

was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-563 and transmitted to Congress for its review. D.C. Law 19-242 became effective on Mar. 19, 2013.

Subchapter V. Proof of Financial Responsibility.

§ 50-1301.37. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the United States, a state, or a political subdivision thereof; suspension for foreign convictions.

(a) The license and registration of all vehicles registered in the name of any person who by a final order or judgment shall have been convicted of, or shall have forfeited any bond or collateral given to secure appearance for trial for a violation of any of the following provisions of law: (1) operating a motor vehicle while the person is intoxicated as defined by § 50-2206.01(9), or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor, or an individual under 21 years of age operating a motor vehicle when the individual’s blood, breath, or urine contains any measurable amount of alcohol; (2) any homicide committed by means of a motor vehicle; (3) leaving the scene of an accident in which the motor vehicle driven by him was involved and in which there is personal injury, without giving assistance or making known his identity and address and the identity and address of the owner of said vehicle; (4) aggravated reckless driving; (5) any felony in the commission of which a motor vehicle is used; or (6) a conviction of, or forfeiture of bail or collateral for an offense in any state which, if committed in the District of Columbia, would be one of the offenses listed in clauses (1) through (5) of this subsection; shall be suspended by the Mayor and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any other motor vehicle be thereafter registered in the name of such person as owner, except that: (1) if such owner has previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future with respect to all such vehicles registered by such person as the owner, the Mayor shall not suspend such registration unless otherwise required or permitted by law; or (2) if a conviction arose out of the operation, with permission, of a vehicle owned by or leased to the United States, the District of Columbia, a state, or a political subdivision of a state or a municipality thereof, the Mayor shall not suspend the registration of any vehicle so owned or leased. If such person be not a resident of the District of Columbia, the privilege of operating any motor vehicle in the District of Columbia and the privilege of operation within the District of Columbia of any motor vehicle owned by him shall be suspended until he shall have furnished proof of financial responsibility for the

future with respect to all such vehicles registered by such person as the owner, and such person shall not be allowed a license, nor shall such owner be allowed to register any vehicle in the District of Columbia, until he has complied with the requirements of this subchapter to the same extent that would be necessary if, at the time of the conviction or forfeiture, he had held a license or had been the owner of a vehicle registered in the District of Columbia.

(b) Upon receipt of a certification from any state that the operating privilege of a resident of the District of Columbia has been suspended or revoked pursuant to a law providing for such suspension or revocation for a conviction or forfeiture under circumstances which would require the Mayor to suspend a nonresident's operating privilege had the offense occurred in the District of Columbia, the Mayor shall suspend the license of such resident and the registration of all vehicles registered in his name.

(May 25, 1954, 68 Stat. 130, ch. 222, § 37; Aug. 28, 1958, 72 Stat. 955, Pub. L. 85-792, § 9; Sept. 8, 1960, 74 Stat. 862, Pub. L. 86-730, § 5; Aug. 5, 1981, D.C. Law 4-29, § 604(b)(2), 28 DCR 3081; Sept. 14, 1982, D.C. Law 4-145, § 9, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 13, 29 DCR 5753; May 24, 1994, D.C. Law 10-122, § 5, 41 DCR 1658; Apr. 13, 1999, D.C. Law 12-212, § 3, 46 DCR 5; Mar. 2, 2007, D.C. Law 16-195, § 7, 53 DCR 8675; Apr. 27, 2013, D.C. Law 19-266, § 306, 59 DCR 12957; June 8, 2013, D.C. Law 19-316, § 4, 60 DCR 1713.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 substituted "person is intoxicated as defined by § 50-2206.01(9)" for "person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine" in (a).

The 2013 amendment by D.C. Law 19-316 substituted "aggravated reckless driving" for "reckless driving involving personal injury" in (a)(4).

Emergency legislation.

For temporary amendment of (a), see § 306 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 306 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 306 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act

of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see § 4 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

Legislative history of Law 19-266. — Law 19-266, the "Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-777. The Bill was adopted on first and second readings on July 10, 2012, and Sept. 19, 2012, respectively. Signed by the Mayor on Oct. 24, 2012, it was assigned Act No. 19-489 and transmitted to Congress for its review. D.C. Law 19-266 became effective on Apr. 27, 2013.

Legislative history of Law 19-316. — Law 19-316, the "Reckless Driving Amendment Act of 2012," was introduced in Council and assigned Bill No. 19-823. The Bill was adopted on first and second readings on Nov. 1, 2012, and Nov 15, 2012, respectively. Signed by the Mayor on Jan. 22, 2013, it was assigned Act No. 19-630 and transmitted to Congress for its review. D.C. Law 19-316 became effective on June 8, 2013.

Editor's notes. — Section 8 of D.C. Law 19-316 provided that the act shall apply as of June 1, 2013.

*Subchapter VI. Violation of Provisions of Chapter; Penalties.***§ 50-1301.74. Failure to return license or registration; penalty.**

Any person willfully failing to return a license or registration as required in § 50-1301.70, or when otherwise requested in writing by the Mayor shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not to exceed 30 days, or both.

(May 25, 1954, 68 Stat. 139, ch. 222, § 74; Mar. 14, 2007, D.C. Law 16-279, § 103(c), 54 DCR 903; June 11, 2013, D.C. Law 19-317, § 266(a), 60 DCR 2064.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$500”.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 266(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in

Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-1301.75. Penalty for violations of chapter.

Any person who shall violate any provision of this chapter for which no penalty is otherwise provided shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 90 days, or both.

(May 25, 1954, 68 Stat. 139, ch. 222, § 75; June 11, 2013, D.C. Law 19-317, § 266(b), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$500”.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 266(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-1301.74.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 13A. SALVAGE, FLOOD NOTIFICATION AND NON-REPAIRABLE
VEHICLE CERTIFICATION.

Sec.
50-1331.08. Penalties.

§ 50-1331.08. Penalties.

- (a) It shall be unlawful to:
- (1) Make or cause to be made any false statement:
 - (A) On an application for a title or duplicate title; or
 - (B) In conjunction with any disclosure required under this chapter;
 - (2) Alter, forge, or counterfeit:
 - (A) A motor vehicle title or an assignment thereof;
 - (B) A Non-repairable Vehicle Certificate; or
 - (C) A certificate verifying a safety inspection;
 - (3) Falsify the results of, or provide false information in the course of, an inspection conducted in conjunction with obtaining a Rebuilt Salvage Title;
 - (4) Represent any Salvage Vehicle or Non-repairable Vehicle as a Rebuilt Salvage Vehicle;
 - (5) Fail to comply with any provision of this chapter requiring:
 - (A) Application for a title or certificate;
 - (B) Notification of specified parties; or
 - (C) Surrender of a title or certificate; or
 - (6) Conspire to commit any of the unlawful acts enumerated in this section.
- (b) A person who commits an unlawful act as described in subsection (a) of this section shall upon conviction be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 180 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General for the District of Columbia or any of his assistants in the name of the District of Columbia.

(Apr. 8, 2005, D.C. Law 15-307, § 108, 52 DCR 1700; June 11, 2013, D.C. Law 19-317, § 267, 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$2,000” in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 267 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-1301.74.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 14. OPERATORS’ PERMITS AND IDENTIFICATION CARDS.

<i>Subchapter I. General</i>		Sec.	
Sec.			certain personal information from motor vehicle records and accident reports.
50-1401.01.	Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors.	50-1401.02.	Exemptions.
50-1401.01b.	Prohibition on release and use of	50-1401.03.	Federally-accepted driver’s license — Identification card option.
		50-1401.05.	Limited purpose driver’s license,

Sec.		Sec.	
	permit, or identification card.		dents; penalty for operation with revoked or suspended license.
	<i>Subchapter II. Revocation and Suspension of Permit</i>	50-1403.03.	Suspension of minor's motor vehicle operator's permit for alcohol violation.
50-1403.01.	Revocation or suspension; new permit after revocation; nonresi-		

Subchapter I. General.

§ 50-1401.01. Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors.

(a)(1) The Mayor is authorized to issue a new or renewed motor vehicle operator's permit, valid for a period not to exceed 8 years plus any time period prior to the expiration date of a previous license not to exceed 2 months, to any individual 17 years of age or older, subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of \$30, which may be increased by the Mayor to compensate the District for processing and evaluating the application and issuing the permit. Alternatively, the Mayor is authorized to prorate existing fees to correspond to the duration of the license issued.

(A-i) Effective October 1, 2015, an applicant for an operator's permit shall pay an application fee of \$47, which the Mayor may increase or decrease to compensate the District for processing and evaluating the application and issuing the permit. The Mayor may prorate the fee to correspond to the duration of the license issued.

(B) The applicant shall demonstrate that he or she is mentally, morally, and physically qualified to operate a motor vehicle in a manner not to jeopardize the safety of individuals or property. The Mayor shall determine whether an applicant is qualified through:

(i) An examination of the applicant's knowledge of the traffic regulations and regulations for safely sharing roadways with pedestrians and bicyclists in the District;

(ii) A practical demonstration, or evidence acceptable to the Mayor of the applicant's ability to operate a motor vehicle within any portion of the District, except that upon renewal of an operator's permit or upon the application of an individual who meets the criteria set forth in subparagraph (C) of this paragraph, the examination and demonstration may be waived in the discretion of the Mayor; and

(iii) Any other criteria as the Mayor may establish.

(C) An applicant under the age of 21, shall meet the following additional qualifications in addition to the qualifications in subparagraph (B) of this paragraph:

(i) The applicant shall be the holder of a valid provisional permit

issued at least 6 months prior to the application in accordance with paragraph (2A) of this subsection;

(ii) The applicant shall not have admitted to, been liable for, or convicted of an offense for which points may be assessed during the 12 consecutive month period immediately preceding the application; and

(iii) The applicant shall have received 10 hours of nighttime driving experience, as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and has accompanied the applicant while the applicant was operating the motor vehicle.

(D) No permittee under the age of 18 shall:

(i) Operate a motor vehicle occupied by more than 2 passengers under the age of 21, except that this restriction shall not apply to a passenger who is a sibling of the permittee;

(ii) Operate a motor vehicle in which the permittee or any passenger fails to wear a seat belt; or

(iii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older and who is occupying a seat beside the permittee; or

(iv) Operate a motor vehicle other than a passenger vehicle or motorized bicycle used solely for the purposes of pleasure and not for compensation.

(2) The Mayor is authorized to issue a new or renewed learner's permit valid for 1-year to any individual 16 years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of \$15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit.

(B) The applicant shall have successfully passed all parts of the examination other than the driving demonstration test; and

(C) No holder of a learner's permit shall:

(i) Operate a motor vehicle except for a passenger vehicle used solely for pleasure;

(ii) Operate a motor vehicle for compensation;

(iii) Operate a motor vehicle unless while under the instruction of and accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying a seat beside the permittee, and wearing a seat belt; and

(iv) Operate a motor vehicle except during the hours of 6 a.m. and 9 p.m.

(2A) The Mayor is authorized to issue a new or renewed provisional motor vehicle operator's permit, valid for a period not to exceed 1-year, to any individual 16 and ½ years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of \$15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit;

(B) The applicant shall satisfy the qualification requirements set forth in subsection (a)(1)(B) of this section and:

(i) Shall be the holder of a valid learner's permit issued at least 6 months prior to the application for a provisional permit;

(ii) Shall not have admitted to, been found liable for, or been convicted of an offense for which points may be assessed in the last 6 months; and

(iii) Shall have received 40 hours of driving experience as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and who has accompanied the applicant while the applicant was operating the motor vehicle.

(C) No holder of a provisional permit shall:

(i) Operate a motor vehicle occupied by any passengers other than one holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying the seat beside the permittee, and wearing a seat belt, and any other passenger who is a sibling or parent of the permittee; or

(ii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, wearing a seat belt, and occupying a seat beside the permittee.

(2B) Notwithstanding the provision of subsection (a)(1)(C), (a)(2)(B), and (a)(2A) of this section, a person under the age of 21 who holds a valid motor vehicle permit from another jurisdiction shall be eligible for a comparable District of Columbia driver's permit, provided that the permittee's operation of a motor vehicle shall be subject to the applicable restrictions set forth in subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section.

(2C) Penalties:

(A) Any violation of the permit restrictions set forth [in] subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section, in addition to any other penalties that may be imposed by law, shall result in the suspension of the permits issued pursuant to subsection (a)(1)(C), (a)(2), or (a)(2A) and the addition of a period of time equal to the period of permit suspension to the requirements set forth in (a)(1)(C)(i) and (a)(2A)(B)(i) as follows:

(i) The first offense shall result in a suspension of 30 days;

- (ii) The second offense shall result in suspension of 60 days; and
- (iii) The third and subsequent offenses shall result in a suspension of

90 days.

(B) The Mayor shall notify, in writing, the parent or legal guardian of a permittee who is under 18 years of age and who violates subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C);

(2D) Operator's permits subject to the provisions of this subchapter, including a learner's permit, provisional permit and operator's permit, shall be visually distinguishable pursuant to rules promulgated by the Department of Motor Vehicles.

(3) Any pupil 15 years of age or over enrolled in a high school or junior high school driver education and training course approved by the Mayor or his designated agent may, without obtaining either an operator's or a learner's permit, operate a dual control motor vehicle between the hours of 6 a.m. and 11 p.m., where the pupil is under instruction and accompanied by a licensed motor vehicle driving instructor; provided, that such instructor shall at all times while he is engaged in such instruction have on his person a certificate from the principal or other person in charge of such school, stating that such instructor is officially designated to instruct pupils enrolled in such course, and whenever demand is made by a police officer such instructor shall display to him such certificate.

(3A) Notwithstanding the passenger restrictions set forth in subsection (a)(1)(D), (a)(C)(iii), and (a)(2A)(C)(iii) of this subsection, a permittee who is enrolled in a driver education course may operate a motor vehicle containing a greater number of passengers while the permittee is under the instruction of and accompanied by a licensed motor vehicle driving instructor provided that the other passengers are also receiving driving instruction.

(4) In the event an operator's permit, learner's permit, or a provisional permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason, other than through error or other act of the Mayor, not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement operator's permit upon payment of a fee of \$20, or such person may obtain a duplicate or replacement learner's permit, or replacement provisional permit upon payment of a fee of \$20.

(5) Enlisted men of the Army, Navy, Air Force, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in official business, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a government vehicle and are qualified to drive, and upon proving to the satisfaction of the Director of the Department of Transportation that they are familiar with the traffic regulations of the District of Columbia.

(5A)(A) Except as provided in subparagraph (C) of this paragraph, any eligible United States citizen or resident who is at least 18 years of age but no more than 26 years of age shall be registered with the Selective Service System, in compliance with the requirements of 50 U.S.C. App. § 453, when applying for an operator's permit or identification card pursuant to the laws of the District.

(B) The Director of the Department of Motor Vehicles ("Department") shall forward, in an electronic format, the personal information required of the applicant identified in subparagraph (A) of this paragraph to the Selective Service System for registration. The Department shall notify the applicant on the application for an operator's permit or an identification card that submitting the application serves as consent to register with the Selective Service System, in compliance with federal law.

(C) The Director of the Department of Motor Vehicles shall make available a form, separate from the application, which shall indicate that the applicant has chosen not to use the operator's permit or identification card application as a means of registering with the Selective Service System ("waiver form"). The waiver form shall state the effects of failure to register and the programs that condition eligibility upon registration with the Selective Service System. Applicants shall be informed that the waiver form is available upon request. The waiver form shall also state the civil and criminal penalties for failure to register for Selective Service. Failure to submit the waiver form is form shall be deemed affirmative proof that the applicant authorizes the Director of the Department to forward to the Selective Service System the information necessary to complete registration on behalf of the applicant. The waiver form, after completion, shall be added to the applicants file.

(D) This form shall comply with the requirements of subchapter II of Chapter 31 of Title 2 [§ 2-1931 et seq.] including being printed in each required language under § 2-1933.

(E) An applicant's submission of the waiver form specified in subparagraph (C) of this paragraph shall not be treated as grounds for denial of an application for an operator's permit or an identification card.

(F) The Director of the Department shall not forward to the Selective Service System the personal information of an individual who completes and submits the waiver form described in subparagraph (C) of this paragraph.

(6) Notwithstanding the provisions of this subsection, the Mayor or his designated agent may, upon compliance with such regulations as the Mayor may prescribe, extend for a period not in excess of 6 years the validity of the operator's permit of any person who is a resident of the District and who is on active duty outside the District in the armed forces or the Merchant Marine of the United States and who was at the time of leaving the District the holder of a valid operator's permit.

(a-1)(1) The Mayor and the Board of Elections and Ethics shall jointly develop an application form and a change of name and address form by January 1, 1989, which shall allow an applicant wishing to register to vote to do so by the use of a single form containing the necessary information for voter registration and the information required for the issuance, renewal, or correction of the applicant's driver's permit or identification card.

(2) Commencing not later than May 1, 1989, the Mayor shall provide each qualified elector who applies for the issuance, renewal, or correction of any type of driver's permit or for an identification card an opportunity to complete an application to register to vote by use of a single form containing the necessary required information for the issuance, renewal, or correction of the driver's permit or identification card.

(3) The Mayor shall forward all new applications to the Board of Elections and Ethics within 10 days of receipt.

(4) Applications received from the Mayor shall be considered received by the Board of Elections and Ethics as of the date the application was made.

(b)(1) Each operator's permit shall state the name and address, and bear the signature of the permittee, together with any additional information that the Mayor may by regulation prescribe. Pursuant to section 205(c)(2)(C)(vi) of the Social Security Act, approved August 14, 1935 (49 Stat. 624, 42 U.S.C. § 405(c)(2)(C)(vi)), the Mayor shall use a randomly generated number as the identification number on any new or renewed license.

(2) The Mayor shall require an applicant for an operator's permit to provide a social security number, if such a number was issued to the applicant, or, if required by the Mayor, proof that the applicant is not eligible for a social security number, for the purposes of administering and enforcing the laws of the District of Columbia. Notwithstanding any other provision of law, the social security number or other tax identification number shall not be a matter of public record. The social security number shall be kept on file with the issuing agency and the applicant shall be so advised. This paragraph shall not apply to an applicant eligible for a limited purpose driver's license or permit pursuant to § 50-1401.05.

(3) An applicant for an operator's permit who served on active duty in the Armed Forces of the United States and was discharged under conditions other than dishonorable may submit to the Department of Motor Vehicles, along with any other documentation required by this chapter, a DD Form 214, a WD AGO form, or a DD256 form certifying the applicant's veteran status. Upon receipt of this documentation, the Department of Motor Vehicles shall display the word "veteran" in capital letters on the applicant's operator's permit.

(c) Any individual to whom a license or permit to operate a motor vehicle has been issued shall have the license or permit in his or her immediate possession at all times while operating a motor vehicle in the District of Columbia and shall exhibit the license or permit to any police officer upon demand. Any person who fails to comply with the requirements of this subsection shall, upon conviction, be fined not less than \$10 nor more than \$50.

(d) No individual shall operate a motor vehicle in the District, except as provided in § 50-1401.02, without first having obtained an operator's permit, learner's permit, provisional permit, or a motorcycle endorsement if operating a motorcycle, issued under the provisions of this subchapter and Title 18 of the District of Columbia Municipal Regulations. Except as provided in subsection (d-1) of this section, any individual violating any provision of this subsection shall be fined not more than the amount set forth in § 22-3571.01 or shall be imprisoned not more than 90 days.

(d-1) Any individual who operates a motor vehicle with a District of Columbia permit expired for not more than 90 days shall be subject to a civil fine of not more than \$100 pursuant to §§ 50-2301.04(b) and 50-2301.05, and shall not be subject to the criminal penalties contained in subsection (d) of this section.

(e) Nothing in this subchapter shall relieve any individual from compliance with § 47-2829(e).

(f) For purposes of this section and §§ 50-1401.02 and 50-1403.01, the term “motor vehicle” means a vehicle propelled by an internal-combustion engine, electricity, or steam. The term “motor vehicle” shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by § 50-2201.02(12), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.

(g) [Expired].

(Mar. 3, 1925, 43 Stat. 1121, ch. 443, § 7; July 3, 1926, 44 Stat. 812, ch. 739, § 2; Feb. 18, 1929, 45 Stat. 1226, ch. 258; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 2; June 20, 1939, 53 Stat. 850, ch. 231; Nov. 25, 1942, 56 Stat. 1023, ch. 642, § 2; Dec. 15, 1944, 58 Stat. 806, ch. 589, § 1; Apr. 20, 1948, 62 Stat. 173, ch. 215, §§ 1, 2; Aug. 16, 1954, 68 Stat. 732, ch. 741, §§ 1, 2, 3, 4, 5; July 24, 1956, 70 Stat. 633, ch. 695, § 2; Oct. 3, 1962, 76 Stat. 710, Pub. L. 87-737, § 1; Mar. 18, 1964, 78 Stat. 167, Pub. L. 88-287, § 1; Oct. 31, 1969, 83 Stat. 174, Pub. L. 91-106, title IV, § 405; Apr. 7, 1977, D.C. Law 1-110, § 4, 23 DCR 8740; Apr. 26, 1977, D.C. Law 1-133, title II, § 201(b), 23 DCR 9697; Sept. 12, 1978, D.C. Law 2-104, § 601, 25 DCR 1275; Oct. 8, 1981, D.C. Law 4-36, § 2, 28 DCR 3383; Apr. 3, 1982, D.C. Law 4-97, § 6, 29 DCR 765; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Mar. 15, 1985, D.C. Law 5-176, § 12(b), 32 DCR 748; Sept. 27, 1985, D.C. Law 6-38, § 3, 32 DCR 4307; Feb. 28, 1987, D.C. Law 6-194, § 3, 34 DCR 479; Sept. 29, 1988, D.C. Law 7-155, § 2, 35 DCR 5718; Aug. 17, 1991, D.C. Law 9-30, § 4(b), 38 DCR 4215; Sept. 20, 1995, D.C. Law 11-48, § 5, 42 DCR 3627; May 24, 1996, D.C. Law 11-124, § 2, 43 DCR 1546; Apr. 5, 2000, D.C. Law 13-73, § 2, 46 DCR 10417; Apr. 5, 2000, D.C. Law 13-74, § 2, 46 DCR 10423; Apr. 12, 2000, D.C. Law 13-91, § 150, 47 DCR 520; Apr. 27, 2001, D.C. Law 13-289, § 401(b), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 10(d), 49 DCR 9788; Apr. 5, 2005, D.C. Law 15-289, § 2(b), 52 DCR 1446; Apr. 8, 2005, D.C. Law 15-307, § 205(a), 52 DCR 1700; Mar. 6, 2007, D.C. Law 16-224, § 101(c), 53 DCR 10225; Mar. 14, 2007, D.C. Law 16-279, §§ 202(c), 401(b), 54 DCR 903; Aug. 16, 2008, D.C. Law 17-219, § 6011, 55 DCR 7598; Sept. 14, 2011, D.C. Law 19-21, § 6002, 58 DCR 6226; Oct. 23, 2012, D.C. Law 19-189, § 2, 59 DCR 10156; Apr. 27, 2013, D.C. Law 19-290, § 5(b), 60 DCR 2343; June 11, 2013, D.C. Law 19-317, § 268(a), 60 DCR 2064; Dec. 13, 2013, D.C. Law 20-49, § 2(a), 60 DCR 15148; D.C. Law 20-52, § 2(a), 60 DCR 15157; Dec. 13, 2013, Jan. 17, 2014, D.C. Law 20-62, § 2(a), 60 DCR 16026.)

Section references. — This section is referenced in § 16-801, § 50-1401.02, § 50-1401.05, § 50-1403.02, § 50-2201.03, and § 50-2302.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-189 rewrote (a)(5A).

The 2013 amendment by D.C. Law 19-290 rewrote (f).

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$300” in (d).

The 2013 amendment by D.C. Law 20-49 substituted “traffic regulations and regulations

for safely sharing roadways with pedestrians and bicyclists in the District” for “traffic regulations of the District” in (a)(1)(B)(i).

The 2013 amendment by D.C. Law 20-52 added (b)(3).

The 2014 amendment by D.C. Law 20-62 added (a)(1)(A-i); and added the last sentence in (b)(2).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 268(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-189. — Law

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19-189, the “Access to Selective Service Registration Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-330. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on August 9, 2012, it was assigned Act No. 19-443 and transmitted to Congress for its review. D.C. Law 19-189 became effective on Oct. 23, 2012.

Legislative history of Law 19-290. — Law 19-290, the “Motorized Bicycle Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-995. The Bill was adopted on first and second readings on Dec. 4, 2012 and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 29, 2013, it was assigned Act No. 19-658 and transmitted to Congress for its review. D.C. Law 19-290 became effective on April 27, 2013.

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Legislative history of Law 20-49. — Law 20-49, the “Bicycle Safety Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-140. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act

No. 20-188 and transmitted to Congress for its review. D.C. Law 20-49 became effective on December 13, 2013.

Legislative history of Law 20-52. — Law 20-52, the “Veteran Status Driver’s License Designation Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-231. The Bill was adopted on first and second readings on July 10, 2013, and Oct. 1, 2013, respectively. Signed by the Mayor on Oct. 17, 2013, it was assigned Act No. 20-191 and transmitted to Congress for its review. D.C. Law 20-52 became effective on December 13, 2013.

Legislative history of Law 20-62. — Law 20-62, the “Driver’s Safety Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-275. The Bill was adopted on first and second readings on July 10, 2013, and November 5, 2013, respectively. Signed by the Mayor on November 18, 2013, it was assigned Act No. 20-211 and transmitted to Congress for its review. D.C. Law 20-62 became effective on January 17, 2014.

Editor’s notes.

Section 3 of D.C. Law 19-189 provided that the act shall apply as of January 1, 2013.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Applicability of D.C. Law 20-52: Section 3 of D.C. Law 20-52 provided that the act shall apply as of October 1, 2013.

Applicability of D.C. Law 20-62: Section 3 of D.C. Law 20-62 provided that the act shall apply as of May 1, 2014.

§ 50-1401.01b. Prohibition on release and use of certain personal information from motor vehicle records and accident reports.

(a) For the purposes of this section, the term:

(1) “Accident report” means any record prepared as a result of a vehicular accident, also known as the Metropolitan Police Department Form PD-10.

(1A) “Information relating to legal presence” means any information that may reveal whether a person is legally present in the United States, including whether a person’s driver’s license or identification card was issued under § 50-1401.05, and the documentation provided by an applicant to prove identity, date of birth, and residence in connection with an application for a driver’s license or identification card.

(2) “Motor vehicle record” means any record that pertains to a motor vehicle operator’s application, permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Motor Vehicles.

(3)(A) “Personal information” shall include an individual’s photograph or image, social security number, driver identification number or identification

card number, name, address, telephone number, medical or disability information, and emergency contact information.

(B) The term “personal information” shall not include information relating to vehicular crashes, driving violations, or driver status.

(b) Except as provided in subsections (c), (d) and (e) of this section, the Department of Motor Vehicles (“Department”), the Metropolitan Police Department, and any officer, employee, or contractor affiliated with either department, or any other person or entity shall not knowingly disclose or otherwise make available personal information about an individual obtained by the Department or the Metropolitan Police Department in connection with a motor vehicle record or an accident report.

(c) Personal information contained in motor vehicle records or accident reports prohibited from disclosure by subsection (b) of this section may be released to a person upon the showing of sufficient written proof for the following uses:

(1) To carry out the purposes of Titles I and IV of the Anti Car Theft Act of 1992, approved October 25, 1992 (106 Stat. 3384; 49 U.S.C. § 30501 et seq. 49 U.S.C. § 33101 et seq.); the Automobile Information Disclosure Act, approved July 7, 1958 (72 Stat. 325; 15 U.S.C. § 1231 et seq.), the Clean Air Act, approved December 17, 1963 (77 Stat. 392; 42 U.S.C. § 7401 et seq.), and chapters 301, 305, and 321-331 of Title 49 of the United States Code (49 U.S.C. § 30101 et seq., 49 U.S.C. § 30501 et seq., 49 U.S.C. § 32101 et seq. through 49 U.S.C. § 33101 et seq.), in connection with matters of:

(A) Motor vehicles or driver safety and theft;

(B) Motor vehicle emissions;

(C) Motor vehicle product alterations, recalls, or advisories;

(D) Performance monitoring of motor vehicles and dealers by motor vehicle manufacturers; and

(E) Removal of non-owner records from the original owner records of motor vehicle manufacturers;

(2) By any government agency, including any court or law enforcement agency, in carrying out its core functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its core functions;

(3) In the normal course of business by a legitimate business or its agents, employees, or contractors, but only to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors;

(4) For use in connection with an actual or contemplated civil, criminal, administrative, or arbitral proceeding in a court or agency, or before a self-regulatory body for any of the following, except that the use shall not include the solicitation of clients, prohibited by § 22-3225.14:

(A) For use by a person involved in the accident and listed on the accident report;

(B) Service of process by a certified process server, special process server, or other person authorized to serve process in the District;

(C) For an accident report, an investigation in anticipation of litigation by an attorney representing a person or entity involved in the motor vehicle

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accident and licensed to practice law in the District or any other United States jurisdiction, or the agent of the attorney;

(D) For a motor vehicle record, an investigation in anticipation of litigation by an attorney licensed to practice law in the District or any other United States jurisdiction, or the agent of the attorney;

(E) Execution or enforcement of judgments and orders; and

(F) Compliance with a court order;

(5) In research activities and for use in producing statistical reports; so long as the personal information is not published, re-disclosed, or used to contact individuals;

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims of investigation activities, anti-fraud activities, rating, or underwriting;

(7) In providing notice to the owners of towed or impounded vehicles;

(8) For use by a licensed private investigative agency or licensed security service for a purpose permitted under this subsection; provided, that the use shall not include the solicitation of clients, prohibited by § 22-3225.14. Personal information obtained based on an exempt driver's record may not be provided to a client who cannot demonstrate a need based on a permitted use under this subsection;

(9) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license required under 49 U.S.C. § 31301 et seq.;

(10) For bulk distribution for surveys, marketing, or solicitations when the department has obtained the express consent of the person to whom such personal information pertains;

(11) By an organ or tissue donor organization; provided, that the person to whom such information applies has consented in a writing submitted to the Department to be an organ or tissue donor;

(12) For any use if the requesting person demonstrates that he or she has obtained the written consent of the person who is the subject of the motor vehicle record or accident report. The consent shall remain in effect until it is revoked by the person who is the subject of the motor vehicle record or accident report; and

(13) For use in connection with the operation of private toll transportation facilities.

(d) Notwithstanding subsection (c) of this section, without the express consent of the person to whom such information applies, the following information contained in motor vehicle records or accident reports may be released only as specified in this subsection:

(1) Social security numbers may be released only as provided in subsections (c)(2) or (c)(9) of this section;

(2) An individual's photograph or image may be released only as provided in subsection (c)(2) of this section;

(3) Medical disability information may be released only as provided in subsections (c)(2) or (c)(9) of this section;

(4) Emergency contact information may be released only to law enforce-

ment agencies for the purposes of contacting individuals listed in the event of an emergency; and

(5) Information relating to legal presence shall not be disclosed to any person, and shall not be disclosed to any federal, state, or local governmental entity except as necessary to comply with a legally issued warrant or subpoena.

(1) Personal information prohibited from disclosure by subsection (b) of this section may be disclosed by the Department to a firm, corporation, or similar business entity whose primary business interest is to resell or re-disclose the personal information to persons who are authorized to receive such information. Before the Department's disclosure of personal information, such firm, corporation, or similar business entity must first enter into a contract with the Department regarding the care, custody, and control of the personal information to ensure compliance with the Driver's Privacy Protection Act of 1994, approved September 13, 1994 (108 Stat. 2099; 18 U.S.C. § 2721 et seq.), and applicable District laws.

(2) An authorized recipient of personal information contained in a motor vehicle record, except a recipient under subsection (c)(10) of this section, may contract with the Department to resell or re-disclose the information for any use permitted under this section. Authorized recipients of personal information under subsection (c)(10) of this section may resell or re-disclose personal information only in accordance with subsection (c)(10) of this section.

(3) An authorized recipient who resells or re-discloses personal information shall maintain, for a period of 5 years, records identifying each person or entity that receives the personal information and the permitted purpose for which it will be used. The records shall be made available for inspection upon request by the Department.

(4) The Department and the Metropolitan Police Department may require documentation to support a request for personal information, and either department shall have the sole discretion to determine whether the documentation provided is sufficient to support the request.

(f) The Department and the Metropolitan Police Department may adopt rules to carry out the purposes of this section. Rules adopted by either department may provide for the payment of applicable fees. In addition, the rules may require an individual requesting the disclosure of personal information pursuant to this subsection to provide proof of identity and, to the extent required, provide assurance that the use will be only as authorized or that the consent of the person who is the subject of the personal information has been obtained. These conditions may include the making and filing of a written application in a form and containing information and certification requirements required by either department.

(g) Failure to comply with the restrictions set forth in this section may subject the violator to penalties and civil action as set forth in the Driver's Privacy Protection Act of 1994, approved September 13, 1994 (108 Stat. 2099; 18 U.S.C. §§ 2721, 2723, 2724).

(Mar. 3, 1925, 43 Stat. 1121, ch. 433, § 7b, as added Mar. 5, 2013, D.C. Law

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19-207, § 3, 59 DCR 12507; June 19, 2013, D.C. Law 19-320, § 512, 60 DCR 3390; Jan. 17, 2014, D.C. Law 20-62, § 2(b), 60 DCR 16026.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-207 added this section.

The 2013 amendment by D.C. Law 19-320 substituted “name, address” for “name address” in (a)(3)(A); in (b), substituted “obtained by the Department” for “obtained by the Department of Motor Vehicles” and substituted “motor vehicle” for “motor-vehicle”; rewrote (c)(4)(A), which read; “A person listed on the accident report”; added the second occurrence of “or accident report” in (c)(12); substituted “prohibited from disclosure by subsection (b) of this section” for “made confidential and prohibited from disclosure” near the beginning of (e)(1); in the second sentence of (e)(2), deleted “However only” from the beginning and substituted “only in accordance with” for “pursuant to”; and deleted “of Motor Vehicles” following “the Department” in (e)(2), (e)(4), and (f).

The 2014 amendment by D.C. Law 20-62 added (a)(1A); and added (d)(5) and made related changes.

Emergency legislation. — For temporary amendment of section, see § 512 of the Omnibus Criminal Code Amendments Emergency Amendment Act of 2012 (D.C. Act 19-599, January 14, 2013, 60 DCR 1017).

For temporary (90 days) amendment of this section, see § 512 of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Legislative history of Law 19-207. — Law 19-207, the “Driver Privacy Protection Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-671. The Bill was adopted on first and second readings on June 26, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Oct. 23, 2012, it was assigned Act No. 19-487 and transmitted to Congress for its review. D.C. Law 19-207 became effective on Mar. 5, 2013.

Legislative history of Law 19-320. — Law 19-320, the “Omnibus Criminal Code Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-645. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Feb. 11, 2013, it was assigned Act No. 19-677 and transmitted to Congress for its review. D.C. Law 19-320 became effective on June 19, 2013.

Legislative history of Law 20-62. — See note to § 50-1401.01.

Editor’s notes. — Applicability of D.C. Law 20-62: Section 3 of D.C. Law 20-62 provided that the act shall apply as of May 1, 2014.

§ 50-1401.02. Exemptions.

(a) The owner or operator of any motor vehicle who is not a legal resident of the District of Columbia, and who has complied with the laws of any state, territory, or possession of the United States, or of a foreign country or political subdivision thereof, shall, subject to the provisions of this section, be exempt for a continuous 30 day period immediately following the entrance of such owner or operator into the District of Columbia from compliance with § 50-1401.01 and § 50-1501.02. The 30-day exemption period shall not apply to commercial motor vehicles required to obtain a permit, as provided by § 50-1507.03 or charter busses identified in § 50-1501.02(j).

(b) Upon expiration of the 30 day exemption period, the owner or operator of any motor vehicle shall be required either:

(1) To comply with the provisions of §§ 50-1401.01 and 50-1501.02 and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia; or

(2) To purchase, from the Mayor or his designated agent, a reciprocity sticker which shall be valid 180 days from the date of its issuance if the owner or operator has complied with the motor vehicle registration and licensing laws of the state, territory, or possession of the United States, or of a foreign country

or political subdivision thereof, of which the owner or operator is a legal resident and the owner or operator is not a legal resident of the District of Columbia. Upon expiration of the reciprocity sticker, the owner or operator who continues to reside in the District of Columbia shall be required to comply with §§ 50-1401.01 and 50-1501.02 and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia.

(c) The following persons shall, if they have complied with the motor vehicle registration and licensing laws of the state, territory, or possession of the United States of which they are a legal resident, be exempt during their respective term of office or employment from compliance with §§ 50-1401.01 and 50-1501.02, and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia:

(1) Senators, Representatives, and Delegates of the United States Congress;

(2) Personal employees of Senators, Representatives, and Delegates of the United States Congress who are legal residents of the state, territory, or possession from which said Senators, Representatives, and Delegates have been elected or appointed. Personal employees include only those individuals who work directly and specifically for a Senator, Representative, or Delegate of the United States Congress and does not include those staff members considered committee or patronage staff;

(3) The President and Vice-President of the United States;

(4) Officers of the executive branch of the United States government who are not domiciled within the District of Columbia, whose appointment to the office held by them was by the President of the United States, subject to confirmation by the Senate, and whose tenure of office is at the pleasure of the President;

(5) Any nonresident service member in accordance with section 511 of the Soldiers' and Sailors' Civil Relief Act of 1940, approved December 19, 2003 (117 Stat. 2835; 50 U.S.C. § 571);

(6) Any foreign mission, its members, or dependents of its members, but only if they have been issued a title and registration by the United States Department of State; and

(7) Any minor under 21 years of age or spouse of any person identified in paragraphs (1) through (6); provided, that the person identified in paragraphs (1) through (6) signs an affidavit stating the minor or spouse resides at the same address in the District as the affiant.

(d) Those persons listed under subsection (c) of this section shall be required to obtain and display a valid reciprocity sticker. The Mayor shall issue, upon application and a fee of \$50, a reciprocity sticker for those persons listed under subsection (c) of this section, valid for 1 year, and renewable for the respective term of office or employment.

(e) Persons enrolled as full-time students engaged in higher education (as defined by the respective institutions of higher education in the District of

Columbia) in an institution of higher education licensed to operate in the District of Columbia, and who are not residents of the District of Columbia, shall, if they have complied with the motor vehicle registration and licensing laws of the state, territory, or possession of the United States of which they are a legal resident, be exempt during their respective tenure as full-time students engaged in higher education from compliance with §§ 50-1401.01 and 50-1501.02, and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia; provided, that the full-time student shall be required to obtain and display a valid reciprocity sticker.

(1) A full-time student shall be required to submit proof, as required by the Mayor, that the student is a full-time student and is in compliance with this subsection.

(2) The Mayor shall issue, upon application and for a \$338 fee, a reciprocity sticker to full-time students who comply with this section. Such sticker shall be valid for 1 year. A full-time student while enrolled in an institution of higher education in the District of Columbia and while in compliance with this subsection shall be able to obtain successive reciprocity stickers, each valid for 1 year and each for a fee of \$338.

(3) A full-time student who is a resident of the District of Columbia, who is registered to vote in the District of Columbia, who is employed for more than 20 hours a week, whose address for the purpose of paying tuition for higher education is in the District of Columbia, whose parent or parents domicile in the District of Columbia or whose parents are divorced or separated and the custodial parent domiciles in the District of Columbia, whose student loan is from a bank or savings and loan in the District of Columbia, or who fulfills any criteria promulgated by the Mayor of the District of Columbia shall be required to comply with § 50-1401.01 and § 50-1501.02, and all applicable provisions of the District of Columbia Municipal Regulations requiring the registration of motor vehicles, the display of identification tags, and the licensing of owners or operators of motor vehicles in the District of Columbia.

(4) Notwithstanding any other law, full-time students who reside within the boundaries of Advisory Neighborhood Commissions 2A and 2E shall not be issued or use a reciprocity parking sticker for out of state vehicles. As of January 1, 2003, this provision shall also apply to full-time students who reside within the boundaries of ANC 3D06 and 3D09.

(e-1)(1) An owner or operator of a motor vehicle shall be exempt from compliance with § 50-1401.01, § 50-1501.02, and sections 414.1, 422.1, and 422.7 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 414.1, 422.1, 422.7); provided, that the owner or operator:

(A) Is a legal resident of a state, territory, possession of the United States, foreign country, or political subdivision other than the District of Columbia;

(B) Owns residential property in the District of Columbia;

(C) Lives at the residential property described in subparagraph (B) of this paragraph on a part-time basis;

(D) Has a motor vehicle registered and licensed in a state, territory, possession of the United States, foreign country, or political subdivision other than the District of Columbia; and

(E) Has complied with the motor vehicle registration and licensing laws of a state, territory, or possession of the United States, or of a foreign country or political subdivision thereof, of which the owner or operator is a legal resident.

(2) An individual who meets the qualifications set forth in paragraph (1) of this subsection shall be required to submit proof, as required by the Mayor, that the individual owns residential property in the District and is a part-time resident.

(3) An individual who meets the qualifications set forth in paragraphs (1) and (2) of this subsection may obtain and display a valid reciprocity sticker. The Mayor shall issue, upon application and for a \$338 fee, a reciprocity sticker to the motor vehicle owner or operator who complies with this subsection, which shall be valid for one year. A motor vehicle owner or operator while in compliance with this subsection shall be able to obtain successive reciprocity stickers, each valid for one year, and each for a fee of \$338.

(e-2)(1) A motor vehicle owner that is a partnership, corporation, association, trust, limited liability company, or government entity and has legally complied with the motor vehicle registration and licensing laws of a state, territory, or possession of the United States, shall be exempt from compliance with § 50-1501.02, and sections 414.1, 422.1, 422.7, and 422.10 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 414.1, 422.1, 422.7, 422.10); provided, that:

(A) The vehicle is housed in the District of Columbia;

(B) The vehicle is provided to an employee of the owner or lessee for the employee's use;

(C) The employee is domiciled in the District of Columbia;

(D) The employee is licensed by the District of Columbia to operate a motor vehicle; and

(E) The business or government entity purchases a reciprocity sticker for the vehicle provided to its employee.

(2) The Mayor shall issue, upon application and for a \$338 fee, a reciprocity sticker to the motor vehicle owner or operator who complies with this subsection, which shall be valid for one year. While in compliance with this subsection, the motor vehicle owner or operator shall be able to obtain successive reciprocity stickers, each valid for one year, and each for a fee of \$338. There shall be no fee for vehicles owned by the District or the United States government.

(f) Repealed.

(g) The Mayor or his designated agent is authorized to enter into reciprocal agreements or arrangements with the duly authorized representatives of a state, territory, or possession of the United States or a foreign country or political subdivision thereof, to vary the conditions under which the validity of motor vehicle registration and identification tags of any category of vehicles such as dealer tags, tags for persons with disabilities, and rental vehicle tags

of such state, territory, or possession of the United States or foreign country or political subdivision thereof, shall be recognized in the District of Columbia.

(h) The Mayor of the District of Columbia shall promulgate such rules and regulations as are necessary to implement and enforce this section. Such rules and regulations shall include, but not be limited to, a determination of how many times during the 30-day exemption period an agent or employee of the Mayor of the District of Columbia must observe a motor vehicle for purposes of the enforcement of this section and a method of enforcing the provisions of this section applicable to commercial vehicles.

(i) Any operator of a motor vehicle who is not a legal resident of the District of Columbia and who does not have in his immediate possession an operator's permit issued by a state, territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless: (1) the laws of the state, territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit; or (2) has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of § 50-1401.01. Any individual who violates any provision of this subsection shall, upon conviction thereof, be fined not less than \$5 and not more than the amount set forth in § 22-3571.01 or imprisoned not less than 30 days, or both.

(Mar. 3, 1925, 43 Stat. 1123, ch. 443, § 8; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 2; Aug. 16, 1954, 68 Stat. 733, ch. 741, § 6; Apr. 6, 1978, D.C. Law 2-69, § 5, 24 DCR 6800; Mar. 16, 1982, D.C. Law 4-80, § 2, 29 DCR 149; July 1, 1982, D.C. Law 4-122, § 2, 29 DCR 2080; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Aug. 2, 1983, D.C. Law 5-24, § 9, 30 DCR 3341; Apr. 9, 1997, D.C. Law 11-198, § 506, 43 DCR 4569; Sept. 5, 1997, D.C. Law 12-14, § 8, 44 DCR 3620; June 28, 2002, D.C. Law 14-167, § 3, 49 DCR 4475; June 5, 2003, D.C. Law 14-307, § 1706(b), 49 DCR 11664; Mar. 14, 2007, D.C. Law 16-279, §§ 202(d), 401(c), 54 DCR 903; Sept. 14, 2011, D.C. Law 19-21, § 6062, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-169, § 34, 59 DCR 5567; Mar. 19, 2013, D.C. Law 19-244, § 2, 59 DCR 14942; June 11, 2013, D.C. Law 19-317, § 268(b), 60 DCR 2064.)

Section references. — This section is referenced in § 50-1401.01, § 50-1403.01, § 50-1403.02, § 50-1501.02, § 50-1501.04, and § 50-2201.03.

Effect of amendments.

The 2012 amendment by D.C. Law 19-169 substituted “tags for persons with disabilities” for “handicapped tags” in (g).

The 2013 amendment by D.C. Law 19-244 added (e-1) and (e-2).

The 2013 amendment by D.C. Law 19-317 substituted “and not more than the amount set forth in § 22-3571.01” for “nor more than \$50” in (i).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 268(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20-DCSTAT 1300).

Legislative history of Law 19-169. — Law 19-169, the “People First Respectful Language Modernization Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-189. The Bill was adopted on first and second readings on Mar. 6, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-361 and transmitted to Congress for its review. D.C. Law 19-169 became effective on Sept. 26, 2012.

Legislative history of Law 19-244. — Law 19-244, the “Department of Motor Vehicles Rec-

iprocity Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-783. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-565 and transmitted to Congress for its review. D.C. Law 19-244 became effective on Mar. 19, 2013.

Legislative history of Law 19-317. — See note to § 50-1401.01.

Editor’s notes.

Section 35 of D.C. Law 19-169 provided that no provision of the act shall impair any right or obligation existing under law.

D.C. Law 19-182, effective October 22, 2012, amended this section subject to the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register. As of April 1, 2013, this certification has not occurred; therefore the amendment has not been implemented.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-1401.03. Federally-accepted driver’s license — Identification card option.

(a)(1) The Mayor may offer a resident the option of applying for a driver’s license or a special identification card that will be accepted by the federal government for any official purpose, subject to the applicable federal requirements.

(2) An applicant for an identification card who served on active duty in the Armed Forces of the United States and was discharged under conditions other than dishonorable may submit to the Department of Motor Vehicles, along with any other documentation required by this chapter, a DD Form 214, a WD AGO form, or a DD256 form certifying the applicant’s veteran status. Upon receipt of this documentation, the Department of Motor Vehicles shall display the word “veteran” in capital letters on the applicant’s identification card.

(b) The Mayor is authorized to take actions as specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, approved May 11, 2005 (Pub. L. No. 109-13; 119 Stat. 231) [see note under 49 U.S.C. § 30301], and the regulations authorized pursuant to that act so that a driver’s license or special identification card issued to a person choosing an option described in subsection (a) of this section shall be accepted by the federal government for any official purpose.

(Mar. 3, 1925, ch. 443, § 8a, as added Mar. 14, 2007, D.C. Law 16-279, § 202(e), 54 DCR 903; Dec. 13, 2013, D.C. Law 20-52, § 2(b), 60 DCR 15157.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-52 added (a)(2).

Legislative history of Law 20-52. — See note to § 50-1401.01.

Editor’s notes. — Applicability of D.C. Law 20-52: Section 3 of D.C. Law 20-52 provided that the act shall apply as of October 1, 2013.

§ 50-1401.05. Limited purpose driver’s license, permit, or identification card.

(a) The Mayor, consistent with subsections (b) and (c) of this section, shall issue a limited purpose driver’s license, permit, or identification card to an applicant who:

- (1) Has resided in the District for longer than 6 months;

§ 50-1401.05 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

(2) Has not been assigned a social security number or is ineligible to obtain a social security number; and

(3) Meets the requirements of this section.

(b)(1) To obtain a limited purpose driver's license or permit in accordance with subsection (a) of this section, an applicant shall:

(A) Provide, under penalty of perjury, proof of identity, date of birth, and residency to the Department of Motor Vehicles ("Department") as defined by the Department by rule; and

(B) Satisfy the applicable requirements of § 50-1401.01 and sections 100 through 111 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR §§ 100-111); provided, that the Mayor shall not require an applicant for a limited purpose driver's license or permit under this section to provide a social security number or any document to prove the absence of a social security number.

(2) An applicant shall include a certified translation of a document provided that is not in English.

(c) To obtain a limited purpose identification card in accordance with subsection (a) of this section, an applicant shall:

(1) Meet the requirements of subsection (b)(1)(A) of this section; and

(2) Meet the applicable requirements of section 112 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 112); provided, that the Mayor shall not require an applicant for a limited purpose identification card under this section to provide a social security number or any document to prove the absence of a social security number.

(d) A limited purpose driver's license or identification card issued under subsection (a) of this section shall be valid for 8 years. A limited purpose learner's or provisional permit shall be valid for the time period as set forth in §§ 50-1401.01(a)(2) and 50-1401.01(a)(2A).

(e) An individual who is issued a limited purpose driver's license or permit under this section shall have the equivalent authorization to operate a motor vehicle as provided in § 50-1401.01 and shall be subject to all statutory and regulatory provisions pertaining to driver licensing and operation of a motor vehicle.

(f)(1) A limited purpose driver's license, permit, or identification card issued under subsection (a) of this section shall state the following on the face of the card and in its machine-readable zone in a font size no larger than the smallest font size otherwise appearing on the card: "Not valid for official federal purposes."

(2) The Mayor may incorporate different features but only if doing so would result in a card that appears more similar to a license issued under § 50-1401.01, or if required by the Department of Homeland Security; provided, that the Mayor does so to the minimum extent necessary to comply.

(g) A limited purpose driver's license, permit, or identification card issued under subsection (a) of this section shall not be used to consider an individual's citizenship or immigration status, or as a basis for a criminal investigation, arrest, or detention.

(h) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to implement the provisions of this section. The proposed

rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed approved.

(Mar. 3, 1925, ch. 443, § 8c, as added Jan. 17, 2014, D.C. Law 20-62, § 2(c), 60 DCR 16026.)

Section references. — This section is referenced in § 50-1401.01 and § 50-1401.01b.

Effect of amendments. — The 2014 amendment by D.C. Law 20-62 added this section.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Driver's Safety Clarification Emergency

Amendment Act of 2014 (D.C. Act 20-293, March 12, 2014, 61 DCR 2435).

Legislative history of Law 20-62. — See note to § 50-1401.01.

Editor's notes. — Applicability of D.C. Law 20-62: Section 3 of D.C. Law 20-62 provided that the act shall apply as of May 1, 2014.

Subchapter II. Revocation and Suspension of Permit.

§ 50-1403.01. Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license.

(a) Except where for any violation of this subchapter revocation of the operator's permit is mandatory or where suspension or revocation is mandatory for accumulated point totals pursuant to Chapter 3 of Title 18 of the District of Columbia Municipal Regulations, the Mayor or his designated agent may revoke or suspend an operator's permit for any cause which he or his agent may deem sufficient; provided, that in each case where a permit is revoked or suspended the reasons therefor shall be set out in the order of revocation or suspension; provided further, that such order shall take effect 10 (15, if the person is a nonresident) days after its issuance unless the holder of the permit shall have filed within such period, written application with the Mayor of the District of Columbia for a review of his order or the order of his agent, and, if upon such review, the Mayor shall sustain such order, the same shall become effective immediately; provided further, that application to said Mayor for a review shall not operate as a stay of such order of the Mayor or his agent when the order has been issued revoking or suspending a permit on account of mental or physical incapacity, for driving while the person is intoxicated as defined by § 50-2206.01(9), or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor; for manslaughter when an automobile is involved, or for operating a motor vehicle equipped with a smoke screen.

(b) In case the operator's permit of any individual is revoked no new permit shall be issued to such individual for at least 6 months after the revocation except in the discretion of the Mayor or his designated agent.

(c) The Mayor of the District of Columbia, or his designated agent, may suspend or revoke the right of any nonresident person as defined in § 50-

1401.02, to operate a motor vehicle in the District of Columbia, for any cause he or his agent may deem sufficient, and the proper authority at the place of issuance of the permit, or other authority to operate a motor vehicle shall be notified of such suspension and the reason therefor, immediately; provided, that such order of suspension or revocation shall take effect 10 days after its issuance, and the same be subject to review and appeal in the manner and under the same conditions as are provided for such matters in subsection (a) of this section.

(d) Notwithstanding any other provision of this section, the provisions of the District of Columbia Administrative Procedure Act (§ 2-501 et seq.) and particularly those of § 2-509, shall apply to each proceeding, decision, or other administrative action specified in this subchapter.

(e) Any individual found guilty of operating a motor vehicle in the District during the period for which the individual's license is revoked or suspended, or for which his right to operate is suspended or revoked, shall, for each such offense, be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 1 year, or both.

(Mar. 3, 1925, 43 Stat. 1125, ch. 443, § 13; July 3, 1926, 44 Stat. 814, ch. 739, § 3; Feb. 27, 1931, 46 Stat. 1424, 1428, ch. 317, §§ 2, 4; June 7, 1934, 48 Stat. 926, ch. 426; May 15, 1936, 49 Stat. 1273, ch. 393; Aug. 31, 1954, 68 Stat. 1048, ch. 1173, § 1; July 8, 1963, 77 Stat. 78, Pub. L. 88-60, § 6; Dec. 23, 1963, 77 Stat. 617, Pub. L. 88-241, § 8; July 29, 1970, 84 Stat. 583, Pub. L. 91-358, title I, § 163(g)(1); Apr. 26, 1977, D.C. Law 1-133, title I, §§ 102-104, 23 DCR 9697; Sept. 14, 1982, D.C. Law 4-145, §§ 6, 7, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 12, 29 DCR 5753; Apr. 13, 1999, D.C. Law 12-212, § 2(b), 46 DCR 5; Apr. 27, 2001, D.C. Law 13-289, § 301, 48 DCR 2057; Mar. 2, 2007, D.C. Law 16-195, § 9, 53 DCR 8675; Mar. 14, 2007, D.C. Law 16-279, § 202(f), 54 DCR 903; Apr. 27, 2013, D.C. Law 19-266, § 307, 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 268(c), 60 DCR 2064.)

Section references. — This section is referenced in § 23-581, § 50-1105, § 50-1401.01, § 50-1403.02, § 50-2201.03, § 50-2201.05a, § 50-2201.05b, § 50-2201.27, and § 50-2302.02.

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 substituted “person is intoxicated as defined by § 50-2206.01(9)” for “person’s alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine” in (a).

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not to exceed \$5,000” in (e).

Emergency legislation.

For temporary amendment of (a), see § 307 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 307 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 268(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 307 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — Law 19-266, the “Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-777. The Bill was adopted on

first and second readings on July 10, 2012, and Sept. 19, 2012, respectively. Signed by the Mayor on Oct. 24, 2012, it was assigned Act No. 19-489 and transmitted to Congress for its review. D.C. Law 19-266 became effective on Apr. 27, 2013.

Legislative history of Law 19-317. — See note to § 50-1401.01.

Editor's notes. — Section 5 of 46 Stat. 1429,

ch. 317, effective Feb. 27, 1931, provided that all convictions under the Act shall be reported by the clerk of the court to the commissioners [Mayor] or their [his] designated agent.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CASE NOTES

ANALYSIS

Due process.

Renewal.

Due process.

Licensee, who was invited to reapply for a new license after he had resolved the suspension of his driving privileges in Maine and Massachusetts, had no viable due process claim based on the Department of Motor Vehicles' failure to afford him a post-deprivation hearing before a neutral decisionmaker. *Wall v. Babers*, 82 A.3d 794, 2014 D.C. App. LEXIS 1 (2014).

Renewal.

Licensee was not entitled to a renewed driver's license because the District of Columbia Department of Motor Vehicles (DMV) had the authority and discretion to require him to clear up his driving record in other states before it issued him a new license. The licensee had engaged in conduct that resulted in his driving privileges being suspended in two states and that information was relevant to his apparent ability and willingness to abide by the rules and regulations regarding the operation of a motor vehicle in the District of Columbia. *Wall v. Babers*, 82 A.3d 794, 2014 D.C. App. LEXIS 1 (2014).

§ 50-1403.03. Suspension of minor's motor vehicle operator's permit for alcohol violation.

(a) The Mayor shall suspend the motor vehicle operator's permit of a person under 21 years of age convicted of violating, or adjudicated in violation of § 25-130. The suspension shall be for the duration required by § 25-130. A copy of the conviction or adjudication shall be forwarded to the Mayor by the court or the administrative body authorized to adjudicate violations under Chapter 1 of Title 25.

(b) Any person found guilty of operating a motor vehicle in the District during the period for which the person's license or privilege is suspended, shall, for each offense, be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 180 days, or both.

(Mar. 3, 1925, ch. 443, § 13b, as added May 24, 1994, D.C. Law 10-122, § 4, 41 DCR 1658; June 11, 2013, D.C. Law 19-317, § 268(d), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted "not more than the amount set forth in § 22-3571.01" for "not more than \$1,000" in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 268(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-1401.01.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 15. REGISTRATION OF MOTOR VEHICLES.

<i>Subchapter I. General Provisions</i>		Sec.
Sec.		50-1501.04. Unlawful acts; penalty.
50-1501.01. Definitions.		
50-1501.02. Motor vehicles and trailers; expiration; certificates and tags; sale or transfer; Mayor to issue rules.	<i>Subchapter IV. International Registration Plan Agreements</i>	
50-1501.03. Fees classified and use of proceeds designated.	50-1507.03. Registration.	

Subchapter I. General Provisions.

§ 50-1501.01. Definitions.

- As used in this subchapter:
- (1) The term “motor vehicle” means a vehicle propelled by an internal-combustion engine, electricity, or steam. The term “motor vehicle” shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by § 50-2201.02(12), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.
 - (2) The term “person” means an individual, partnership, corporation, or association.
 - (3) The term “owner” means a person who holds the legal title to a motor vehicle or trailer the registration of which is required in the District of Columbia. If a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of these regulations.
 - (4) The term “Director” means the Director of the Department of Transportation of the District of Columbia, including assistants or agents duly designated by the Mayor.
 - (5) The term “dealer” means any person engaged in the business of manufacturing, distributing, or dealing in motor vehicles or trailers.
 - (6) The term “public highway” means any road, street, alley, or way, open to use of the public, as a matter of right, for purposes of vehicular traffic.
 - (7) The term “trailer” means a vehicle without motor power intended or used for carrying property or persons and drawn or intended to be drawn by a motor vehicle, whether such vehicle without motor power carries the weight of the property or persons wholly on its own structure or whether a part of such weight rests upon or is carried by a motor vehicle.
 - (8) The term “farm tractor” means a motor vehicle designed and used primarily for drawing implements of agricultural husbandry.
 - (9) The term “pneumatic tire” means a tire inflated with compressed air.
 - (10) The terms “operate” and “operated” shall include operating, moving, standing, or parking any motor vehicle or trailer on a public highway of the District of Columbia.

(10A) The term “class F(I) historic motor vehicle” means any motor vehicle whose manufacturer’s model year is at least 25 years old or any motor vehicle which is at least 15 years old and is a make of motor vehicle no longer manufactured; provided, that the motor vehicle has been or is being restored, preserved, or maintained as an exhibition or collector’s item because of its special historical value or significance, has not been substantially altered or modified from the manufacturer’s original specifications and is used on the public highways for the transportation of passengers or property for occasional pleasure driving or in conjunction with exhibitions, expositions, parades, tours, club activities, or similar activities or events, including transportation directly to or from such activities or events, not exceeding a total driving mileage under all conditions of 1,000 miles annually, but in no event used for general transportation. Motor vehicles which are less than 25 years old but which are 15 or more years old and which qualify as historic motor vehicles shall include the following makes, which are no longer manufactured: Kaiser, Hudson, DeSoto, Nash, Edsel, Studebaker and Packard.

(11) The term “class F(II) historic motor vehicle” means any motor vehicle whose manufacturer’s model year is at least 25 years old or any motor which is at least 15 years old and is a make of motor vehicle no longer manufactured; provided, that the motor vehicle has been or is being restored, preserved or maintained as an exhibition or collector’s item because of its special historical value or significance, has not been substantially altered or modified from the manufacturer’s original specifications and is used on the public highways for the transportation of passengers or property in conjunction with exhibitions, expositions, parades, tours, club activities, or similar activities or events, including transportation directly to or from such activities or events, but in no event used for general transportation. Motor vehicles which are less than 25 years old but which are 15 or more years old and which qualify as historic motor vehicles shall include but not be limited to the following makes which are no longer manufactured: Kaiser, Hudson, DeSoto, Nash, Edsel, Studebaker and Packard.

(12) “Electric vehicle” shall have the same meaning as provided in section 3(4) of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976, approved September 17, 1976 (90 Stat. 1261; 15 U.S.C. § 2502(4)).

(Aug. 17, 1937, 50 Stat. 679, ch. 690, title IV, § 1; Sept. 8, 1950, 64 Stat. 791, ch. 921, §§ 1, 2; Feb. 25, 1978, D.C. Law 2-41, § 2, 24 DCR 3629; Mar. 15, 1985, D.C. Law 5-176, § 11, 32 DCR 748; Mar. 26, 1999, D.C. Law 12-184, § 3(a), 45 DCR 7796; Mar. 25, 2003, D.C. Law 14-235, § 7, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 206, 53 DCR 10225; Mar. 20, 2009, D.C. Law 17-315, § 2(a), 56 DCR 203; Mar. 19, 2013, D.C. Law 19-252, § 102(a), 59 DCR 14932; Apr. 27, 2013, D.C. Law 19-290, § 6(a), 60 DCR 2343.)

Section references. — This section is referenced in § 3-1351, § 50-702, and § 50-1501.03.

Effect of amendments.
The 2013 amendment by D.C. Law 19-252 added (12).

§ 50-1501.02 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

The 2013 amendment by D.C. Law 19-290 rewrote (1).

Legislative history of Law 19-252. — Law 19-252, the “Energy Innovation and Savings Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-749. The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-562 and transmitted to Congress for its review. D.C. Law 19-252 became effective on Mar. 19, 2013.

Legislative history of Law 19-290. — Law 19-290, the “Motorized Bicycle Amendment Act

of 2012,” was introduced in Council and assigned Bill No. 19-995. The Bill was adopted on first and second readings on Dec. 4, 2012 and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 29, 2013, it was assigned Act No. 19-658 and transmitted to Congress for its review. D.C. Law 19-290 became effective on April 27, 2013.

Editor’s notes.

Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [Mar. 19, 2013].

§ 50-1501.02. Motor vehicles and trailers; expiration; certificates and tags; sale or transfer; Mayor to issue rules.

(a) Except as provided by § 50-1401.02, any motor vehicle or trailer operated in the District of Columbia shall be registered with the Department of Transportation by the owner of that motor vehicle or trailer.

(b)(1) Except as provided in subsections (d) and (e) of this section, a registration shall be valid for a period determined by the Mayor and shall expire at midnight of the last day of the designated period. During the 30-day period immediately preceding the date, as specified by the Mayor, on which registration expires, it shall be lawful to operate a motor vehicle or trailer registered for the ensuing registration year.

(2) The Mayor shall notify an owner of the expiration date of the owner’s motor vehicle or trailer registration. The required notice shall be mailed to the named owner at the address of record at least 30 days prior to the date of expiration. If the Director does not deliver the notice as required, the first of any tickets issued for failure to display current registration for that registration period may be dismissed through mail or in-person adjudication.

(c) The Mayor shall issue a registration certificate and identification tag or tags for a motor vehicle or trailer to the owner of the motor vehicle or trailer, if the owner:

- (1) Has applied for registration on a form supplied by the Mayor;
- (2) Has paid all applicable fines, fees, and taxes for the motor vehicle or trailer pursuant to § 50-2301.05;
- (3) Has a valid certificate of title in effect for the motor vehicle or trailer;
- (4) Has a valid document issued by the District of Columbia attesting that the vehicle meets applicable District of Columbia vehicle inspection standards as of the date of the application; and
- (5)(A) Is domiciled in the District of Columbia; except that the person need not be domiciled in the District of Columbia if:

- (i)(I) The owner is a leasing company and the lessee is not domiciled in the District of Columbia;
- (II) The vehicle is housed in the District of Columbia;
- (III) The vehicle is provided to an employee of the lessee for the employee’s use;

(IV) The employee is domiciled in the District of Columbia; and

(V) The owner submits an affidavit affirming compliance with this paragraph and agreeing that the address on the registration certificate and in the Department of Motor Vehicles' records shall be the address of the operator and that the employee's address shall be considered the owner's address for the purpose of sending any notices required by any statute or regulation for that vehicle.

(ii) The owner is a member of Congress and has a District of Columbia residence;

(iii) The owner is a lessor and the vehicle is leased to a person domiciled in the District of Columbia; or

(iv) The owner meets the requirements set forth in subparagraph (B) of this paragraph.

(B) An owner of a vehicle need not be a resident of the District if:

(i) The owner is an individual who holds a valid license to operate a taxicab or limousine within the District of Columbia;

(ii) The owner held a valid license to operate a taxicab or limousine within the District of Columbia at some point during the 5 years prior to the owner's first attempt to register a vehicle under this subparagraph; provided, that the license to operate a taxicab or limousine shall have been first issued no later than March 1, 2006;

(iii) The owner resided outside the District of Columbia on March 1, 2006;

(iv) The owner had registered a vehicle with the Department of Motor Vehicles on or before March 1, 2006, while residing outside the District of Columbia;

(v) The owner has no other vehicle currently registered within the District of Columbia;

(vi) The owner is registering the vehicle for use as a taxicab or limousine within the District of Columbia; and

(vii) The owner of the vehicle has, no later than September 28 of the year prior to first registering a vehicle under this subparagraph, registered with the Office of Tax and Revenue for business taxes by completing a tax registration form; provided, that:

(I) The owner of the vehicle shall be permitted to register the vehicle for the 2007 year without having to undergo Clean Hands certification pursuant to §§ 47-2862 and 47-2863; and

(II) The owner of the vehicle must meet the franchise tax filing and payment requirements as set forth in §§ 47-1805.02, 47-1807.02, and 47-1808.03 on a prospective basis for the 2007 year and subsequent years.

(d)(1) The Mayor shall issue annually, upon payment by a dealer of all applicable fees and taxes, dealer's registration certificates and identification tags bearing a distinguishing dealer's mark or symbol for the interchangeable use on motor vehicles and trailers;

(2) The Mayor shall issue, without charge, registration certificates and identification tags for all motor vehicles and trailers owned by the District of Columbia and the Washington Metropolitan Area Transit Authority;

(2A) The Mayor, through the issuance of rules, shall permit the use of vintage license plates on historic motor vehicles in place of historic motor vehicle license plates, provided that the plate is legible and corresponds to the year of the vehicle's make. The owner, through approval and registration of the vintage license plates, shall have the same rights, privileges, and obligations as if he or she had purchased new historic motor vehicle license plates. The rules promulgated pursuant to this paragraph, shall be issued no later than 90 days from March 26, 1999. The Mayor may impose a reasonable fee to carry out the provisions of this paragraph.

(3) The Mayor shall issue, without charge, registration certificates and identification tags for all motor vehicles and trailers officially used by any accredited representative of a foreign government;

(4)(A) The Mayor shall issue a duplicate registration certificate or identification tag or tags for any motor vehicle or trailer which is registered, upon proof satisfactory to the Mayor of the loss, mutilation, or destruction of the previously issued registration certificate or identification tags;

(B) The Mayor shall issue a dealer's proof of ownership certificate to any dealer upon application and upon proof of ownership as the Mayor may require; and

(C) A fee of \$20 shall be paid for each duplicate registration certificate issued, a fee of \$10 shall be paid for each replacement tag issued, and a fee of \$26 shall be for each dealer's proof of ownership certificate issued;

(5)(A) The Mayor shall issue, for a temporary period not to exceed 45 days, a special use certificate and special use identification tags bearing a distinguishing mark to the owner of a motor vehicle or trailer upon payment of the fee of \$13;

(B) The Mayor shall issue a special use certificate and special use identification tags bearing a distinguishing mark to the owner of a motor vehicle or trailer, for the exclusive purpose of allowing that person to comply with the requirements of Chapter 11 of this title, upon payment of a fee of \$13; and

(C) The issuance of a special use certificate and special use identification tags under this subsection shall not constitute a registration of a motor vehicle or trailer for any other purposes than herein provided.

(e)(1) Except as otherwise provided in this subsection, any registration shall expire upon the sale or other transfer of the motor vehicle or trailer to another owner;

(2) Any owner selling or otherwise transferring a motor vehicle or trailer may apply the unexpired portion of the existing registration to another motor vehicle or trailer belonging to that owner, upon payment of a fee of \$7 plus any amount by which the registration fee for the newly registered motor vehicle or trailer, as computed under § 50-1501.03, exceeds the original registration fee paid;

(3) In the case of a joint ownership, the unexpired portion of the existing registration may be applied to another motor vehicle or trailer by any person who was formerly a party to the joint ownership upon the consent of all the former joint owners;

(4) The name of a spouse or domestic partner as defined in § 32-701(3) may be added as joint owner to the registration of a motor vehicle or trailer, subject to the applicable provisions of law relating to the titling of motor vehicles and trailers;

(5) Upon the death of a joint owner of a motor vehicle or trailer registered under this subchapter, the registration shall be transferred to the surviving joint owners upon the payment of a fee of \$7; and

(6) When the only assets of a decedent's estate requiring administration consist of no more than 2 motor vehicles, the Mayor may transfer the title to the person or persons entitled thereto or to their nominee, upon proof satisfactory to the Mayor that all debts and taxes owed by the decedent have been paid or have been provided for. If any person entitled to the transfer of title hereunder shall be a minor, the custodian or the legal guardian of the minor may nominate transferees on behalf of the minor.

(f) In order to facilitate the identification and the regulation of motor vehicles and trailers operated in the District of Columbia the Mayor shall establish:

- (1) The application forms for registrations and for special use certificates;
- (2) The forms of registration certificates and special use certificates;
- (3) The design of identification tags; and
- (4) A program for keeping records of registration, issuance of special use certificates, and transfers of registrations.

(g) The Mayor shall issue rules:

- (1) To implement this subchapter;
- (2) To provide for the suspension or revocation of any registration issued to an owner or dealer who has violated any provision of this subchapter or Title 18, Chapters 4 and 5, DCMR, or who knowingly provides or obtains a counterfeit, stolen, or otherwise fraudulent temporary identification tag; and

(3)(A) To establish procedures for the immobilization or impoundment of a motor vehicle or trailer for which the registration has been suspended or revoked or which is not properly registered in accordance with this subchapter and Title 18, Chapters 4 and 5, DCMR; and

(B) To establish procedures for the recovery or removal of any registration certificate or identification tags issued under this subchapter and Title 18, Chapters 4 and 5, DCMR, from a motor vehicle or trailer for which the registration has been suspended or revoked or which is not properly registered in accordance with this subchapter and Title 18, Chapters 4 and 5, DCMR;

(C) To establish procedures for the seizure and forfeiture of a motor vehicle used with a counterfeit, stolen, or otherwise fraudulent temporary identification tag.

(h) The Mayor may amend Chapters 4 and 5 of Title 18 of the District of Columbia Municipal Regulations ("DCMR") and may establish dealer registration eligibility requirements that are more stringent than the business licensing requirements in Title 16 of the DMCR; provided, that the proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not disapprove the proposed rules by resolution, within the 45-day review

period, the proposed rules shall be deemed approved. The Council may approve or disapprove the proposed rules by resolution prior to the expiration of the 45-day review period.”.

(i) A dealer violating any provision of Chapters 4 or 5 of Title 18, DCMR, shall be subject to a fine of up to \$1000. Notices of infractions shall be issued by the Mayor and adjudicated by the Department of Motor Vehicles, pursuant to Chapter 10 of Title 18, DCMR, and subject to following provisions:

(1) A notice of infraction shall be mailed to the dealer’s address on record at the Department of Motor Vehicles, personally served on the dealer, or left with an employee at the dealer’s place of business.

(2) A person to whom a notice of infraction has been issued must answer by either requesting a hearing or by paying the fine due within 30 calendar days of the date of receipt of the notice of infraction.

(3) If a person fails to answer the notice within the 30-day period, the person’s dealer registration may be suspended until the person pays the fine amount due.

(4) An infraction pursuant to this subsection shall be established by the government by a preponderance of evidence.

(j) Notwithstanding any other provision of law, any bus from any state or country used in the transportation of a chartered party, as that term is used in the International Registration Plan, with a seating capacity of greater than 15 passengers shall, prior to entering the District of Columbia, either:

- (1) Register as a Class B commercial vehicle under § 50-1501.03(b)(2);
- (2) Obtain proportional registration in its base jurisdiction through the International Registration Plan, as provided by § 50-1507.03; or
- (3) Obtain a trip permit, as provided by § 50-1507.03.

(k) The Department of Motor Vehicles shall, upon request, provide to the electric company a registered owner’s address, zip code, and make and model of electric vehicles registered in the District. This information shall be transferred to the electric company for use in planning for the availability and reliability of the electric power supply upon a vehicle being registered with the Department of Motor Vehicles; provided, that the electric company shall not publish or re-disclose to any persons, including affiliates of the electric company, information about the registered electric vehicle owner, nor can the transferred information be used for any purpose except as set forth in this section.

(Aug. 17, 1937, 50 Stat. 680, ch. 690, title IV, § 2; May 16, 1938, 52 Stat. 359, ch. 223, § 4; July 17, 1939, 53 Stat. 1045, ch. 313, § 1; Sept. 8, 1950, 64 Stat. 792, ch. 921, § 3; May 18, 1954, 68 Stat. 111, ch. 218, title VII, § 601; Apr. 6, 1956, 70 Stat. 102, ch. 182, § 1; July 3, 1967, 81 Stat. 108, Pub. L. 90-43, § 1; Oct. 31, 1969, 83 Stat. 173, Pub. L. 91-106, title IV, § 401; Aug. 11, 1971, 85 Stat. 314, Pub. L. 92-88, § 6; Apr. 7, 1977, D.C. Law 1-112, § 2, 23 DCR 8741; Apr. 26, 1977, D.C. Law 1-133, title III, § 301, 23 DCR 9697; June 24, 1980, D.C. Law 3-72, § 205, 27 DCR 2155; Apr. 3, 1982, D.C. Law 4-97, § 2, 29 DCR 765; Mar. 10, 1983, D.C. Law 4-206, § 3, 30 DCR 193; Oct. 5, 1985, D.C. Law 6-49, § 2, 32 DCR 4585; Nov. 19, 1985, D.C. Law 6-54, § 2, 32 DCR 5713; Aug.

17, 1991, D.C. Law 9-30, § 2(a), 38 DCR 4215; Apr. 26, 1994, D.C. Law 10-106, § 3, 41 DCR 1014; Mar. 26, 1999, D.C. Law 12-184, § 3(b), 45 DCR 7796; Apr. 27, 2001, D.C. Law 13-289, § 201, 48 DCR 2057; June 5, 2003, D.C. Law 14-307, § 1705(a), 49 DCR 11664; Sept. 8, 2004, D.C. Law 15-176, § 6, 51 DCR 5707; Apr. 5, 2005, D.C. Law 15-287, § 2(a), 52 DCR 1437; Apr. 8, 2005, D.C. Law 15-307, §§ 203, 401(a), 701, 52 DCR 1700; Mar. 14, 2007, D.C. Law 16-279, § 403(a), 54 DCR 903; Mar. 26, 2008, D.C. Law 17-130, § 2(a), 55 DCR 1655; Sept. 14, 2011, D.C. Law 19-21, § 6003, 58 DCR 6226; Mar. 19, 2013, D.C. Law 19-244, § 3, 59 DCR 14942; Mar. 19, 2013, D.C. Law 19-252, § 102(b), 59 DCR 14932.)

Section references. — This section is referenced in § 20-357, § 47-2001, § 47-2829, § 47-2862, § 50-1401.02, § 50-1501.02a, § 50-1501.03, § 50-1503.01, and § 50-2201.03.

Effect of amendments.

The 2013 amendment by D.C. Law 19-244 rewrote (c)(5)(A)(i)(I); and substituted “lessee” for “owner” in (c)(5)(A)(i)(III).

The 2013 amendment by D.C. Law 19-252 added (k).

Legislative history of Law 19-244. — Law 19-244, the “Department of Motor Vehicles Reciprocity Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-783.

The Bill was adopted on first and second readings on Nov. 1, 2012 and Nov. 15, 2012, respectively. Signed by the Mayor on Dec. 7, 2012, it was assigned Act No. 19-565 and transmitted to Congress for its review. D.C. Law 19-244 became effective on Mar. 19, 2013.

Legislative history of Law 19-252. — See note to § 50-1501.01.

Editor’s notes.

Section 301 of D.C. Law 19-252 provided that the Mayor shall issue rules to implement the provisions of the act within 180 days of its effective date [Mar. 19, 2013].

§ 50-1501.02a. Issuance of veterans’ license plates.

Section references. — This section is referenced in § 50-1501.03.

Editor’s notes. — Applicability of D.C. Law

18-309: Section 3 of D.C. Law 18-309 provided that the act shall apply 6 months after March 12, 2011.

§ 50-1501.03. Fees classified and use of proceeds designated.

(a)(1) There shall be levied, collected, and paid for each registration year for each motor vehicle or trailer required to be registered under this subchapter, the registration fee provided in this section, except that in the event the Council of the District of Columbia prescribes and the Mayor of the District of Columbia issues as the official identification tags for the District of Columbia tags treated with special reflective materials designed to increase the visibility and legibility of such tags, the Council may charge a fee not exceeding \$.50 in addition to all other fees which may be required. Any person ordering a tag with special markings unique to that person shall pay a one-time application fee of \$100, and may obtain a replacement if a tag is lost or stolen upon payment of a fee of \$25 per tag. Any person displaying a tag already approved for use by member of an organization other than Disabled American Veterans shall pay a one-time application fee of \$100, and may obtain a replacement if a tag is lost or stolen upon payment of a \$25 fee per tag. Any person ordering Anacostia River Commemorative License Plates shall pay the fees as set forth in § 8-102.07(b). Any person ordering veterans identification tags pursuant to § 50-1501.02a shall pay the fees as set forth in § 50-1501.02a(b)(2).

(2) The Mayor may modify the schedule of fees established in this subsection by rulemaking, pursuant to subchapter I of Chapter 5 of Title 2.

(3) The application fee for an organization seeking approval of an organization tag shall be \$100, which may be modified by the Mayor to cover administrative costs.

(b)(1) *Class A.* — For each passenger vehicle, including a motor vehicle classified by the Mayor or his or her designated agent as a class F(I) historic motor vehicle which meets the criteria established under § 50-1501.01(10A), except for passenger vehicles licensed under § 47-2829, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	\$ 72
Class II (3,500 — 4,999 pounds)	\$115
Class III (5,000 pounds or greater)	\$155
Class IV A new motor vehicle, other than a motorcycle and motorized bicycle, with an estimated average miles per gallon (“MPG”) for city driving at or above 40 MPG, as determined in accordance with 40 CFR § 600.001-08 et seq., and published in the Fuel Economy Guide by the United States Environmental Protection Agency and the United States Department of Energy). This provision shall only apply to the first 2 years of the vehicle’s registration, after which the vehicle shall be treated as a Class I, Class II, or Class III, whichever is applicable.)	\$ 36

(2) *Class B.* — For each commercial vehicle, tractor, and passenger carrying vehicle for hire, including vehicles licensed under § 47-2829, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	\$125
Class II (3,500 — 4,999 pounds)	\$160
Class III (5,000 — 6,999 pounds)	\$220
Class IV (7,000 — 9,999 pounds)	\$300
Class V (10,000 or greater)	\$575 plus \$25 per each additional 1,000 pounds over 10,000 pound[s]

(3) *Class C.* — For each trailer, based upon the manufacturer’s shipping weight, as follows:

Weight Class	Registration Fee
Class I (1,499 pounds or less)	\$50
Class II (1,500 — 3,499 pounds)	\$125
Class III (3,500 — 4,999 pounds)	\$250
Class IV (5,000 — 6,999 pounds)	\$400
Class V (7,000 — 9,999 pounds)	\$500

Class VI (10,000 pounds or greater) \$500 plus \$50
per each additional
1,000 pounds over
10,000 pounds.

(4) *Class D.* — For each motorcycle, \$52.

(5) *Class E.* — For each motor-driven cycle, \$30.

(6) *Class F.* — For each motor vehicle classified by the Mayor or his or her designated agent as a class F(II) historic motor vehicle which meets the criteria established under § 50-1501.01(11), \$25.

(7) *Class G.* — For dealer's identification tags, dealer transport identification tags, and manufacturer identification tags, per tag, \$75.

(8) *Class H.* — For each motor vehicle propelled by fuel not subject to taxation under Chapter 23 of Title 47, and motor vehicles propelled by any means other than motor fuels as defined in said chapter, double the fees provided in this subsection for classes A through D.

(b-1) *Non-resident taxi and limousine driver vehicle registration.* — In addition to any fees that may be due under any other statute or regulation, a driver who was exempted from the residency requirements to register a vehicle within the District of Columbia under § 50-1501.02(c)(5)(B) shall be charged an additional fee of \$100.

(c) The Mayor may prorate the fee for registration by an owner or dealer if the registration is issued by the Mayor for a period not to exceed 23 months.

(d) The proceeds from fees payable under this chapter shall be paid into the General Fund of the District of Columbia as established by the Revenue Funds Availability Act of 1975, effective January 22, 1976 (D.C. Law 1-42; 22 DCR 6318); provided, that:

(1) The fees collected under subsection (b-1) of this section shall be paid into the Out-of-State Vehicle Registration Special Fund established by § 50-1501.03a;

(2) The fees collected for Anacostia River Commemorative License Plates shall be deposited in the Anacostia River Clean Up and Protection Fund established by § 8-102.05(a); and

(3) The fees collected for veterans' motor vehicle identification tags under § 50-1501.02a shall be deposited in the Office of Veterans Affairs Fund established by § 49-1004.

(e) Notwithstanding the provisions of this subchapter, special equipment mounted on a motor vehicle or trailer and not used primarily for the transportation of persons or property shall be taxed as tangible personal property as provided by law. For the purpose of determining the fees authorized by subparagraph (A) of subsection (b)(2) and subsections (b)(3) and (b)(8) of this section, the weight of special equipment taxed in accordance with the provisions of this subsection (e) shall be excluded in computing the weight of the vehicle or trailer on which it is mounted.

(f) No annual motor vehicle registration fee shall be required for a noncommercial motor vehicle owned by any veteran who has been classified by the United States Veterans Administration as having a total and permanent disability as a result of a service incurred or aggravated condition; provided,

that no more than 1 such vehicle per qualified veteran shall receive this fee exemption.

(g) The Mayor shall direct the Director of the Department of Transportation to design and provide application forms for the exemption provided in subsection (f) of this section. The application shall be accompanied by a statement that the veteran has been classified as having a total and permanent disability by the Veterans Administration so as to meet the requirements of this subsection, and that such disability is the result of a service incurred or aggravated condition.

(h) To synchronize inspection and registration due dates, the Mayor may declare that a vehicle's inspection or registration shall expire prior to the date originally established; provided, that the Mayor shall reduce the fee for the vehicle's next registration or inspection renewal by a percentage equal to the percentage of the reduction of the original time period.

(i) The Mayor may require a 2 year registration period for any registrant.

(j) The Mayor may refund any portion of the registration fee if the registrant does not maintain the registration for the entire registration period established.

(k) The Mayor may allow any person to pay registration fees in installments, as determined by the Mayor.

(l) The Mayor may charge an additional fine of \$100 for any motor vehicle whose inspection or registration is not renewed by the expiration date, unless the owner surrenders the tags on or before that date.

(Aug. 17, 1937, 50 Stat. 681, title IV, ch. 690, § 3; May 16, 1938, 52 Stat. 359, ch. 223, § 4; July 17, 1939, 53 Stat. 1046, ch. 313, § 2; Sept. 8, 1950, 64 Stat. 793, ch. 921, §§ 4, 5, 6; May 18, 1954, 68 Stat. 112, title VI, ch. 218, §§ 602, 603, 604; Sept. 2, 1957, 71 Stat. 598, Pub. L. 85-273, §§ 1, 2; Sept. 6, 1960, 74 Stat. 816, Pub. L. 86-716, §§ 1-3; Oct. 31, 1969, 83 Stat. 174, Pub. L. 91-106, title IV, § 402; Oct. 21, 1975, D.C. Law 1-23, title I, § 101, 22 DCR 2091; Jan. 22, 1976, D.C. Law 1-42, § 6, 22 DCR 6317; June 15, 1976, D.C. Law 1-70, title I, § 101, 23 DCR 533; April 7, 1977, D.C. Law 1-110, § 5, 23 DCR 8740; April 19, 1977, D.C. Law 1-124, title I, § 101, 23 DCR 8749; Feb. 25, 1978, D.C. Law 2-41, § 2, 24 DCR 3629; Mar. 16, 1978, D.C. Law 2-55, §§ 2, 3, 5, 24 DCR 5424; Mar. 16, 1978, D.C. Law 2-60, § 2, 24 DCR 5778; Apr. 3, 1982, D.C. Law 4-93, § 3, 29 DCR 749; Mar. 10, 1983, D.C. Law 4-206, § 4, 50 DCR 193; June 22, 1983, D.C. Law 5-14, § 802, 30 DCR 2632; Aug. 17, 1991, D.C. Law 9-30, § 2(b), 38 DCR 4215; Mar. 17, 1993, D.C. Law 9-239, § 2, 40 DCR 625; June 5, 2003, D.C. Law 14-307, § 1705(b), 49 DCR 11664; Apr. 8, 2005, D.C. Law 15-307, §§ 401(b), 501, 52 DCR 1700; June 16, 2006, D.C. Law 16-129, § 3, 53 DCR 4716; Mar. 14, 2007, D.C. Law 16-279, § 403(b), 54 DCR 903; Apr. 24, 2007, D.C. Law 16-305, § 78, 53 DCR 6198; Mar. 26, 2008, D.C. Law 17-130, § 2(b), 55 DCR 1655; Aug. 16, 2008, D.C. Law 17-219, § 6007, 55 DCR 7598; Mar. 20, 2009, D.C. Law 17-315, § 2(b), 56 DCR 203; Sept. 23, 2009, D.C. Law 18-55, § 9(b)(1), 56 DCR 5703; Mar. 12, 2011, D.C. Law 18-309, § 2(b), 57 DCR 12389; Apr. 27, 2013, D.C. Law 19-290, § 6(b), 60 DCR 2343.)

Section references. — This section is referenced in § 8-102.07, § 9-1111.15, § 50-1501.02, § 50-1503.01, and § 50-2201.03.

Effect of amendments.

The 2013 amendment by D.C. Law 19-290

substituted “motor-driven cycle” for “motorized bicycle” in (b)(5).

Legislative history of Law 19-290. — See note to § 50-1501.01.

§ 50-1501.04. Unlawful acts; penalty.

(a) It shall be unlawful:

(1) For any person to operate any motor vehicle or trailer upon any public highway of the District of Columbia (except motor vehicles or trailers operated by nonresidents exempted under the provisions of § 50-1401.02):

(A) If such motor vehicle or trailer is not registered or covered by a dealer’s registration or by a special use certificate as required by this subchapter;

(B) If such motor vehicle or trailer does not have attached thereto and displayed thereon the identification tags required therefor; or

(C) If such person does not have in his possession or in the motor vehicle or trailer operated the registration certificate or special use certificate required therefor.

(D) Repealed.

(2) For the owner of any motor vehicle or trailer knowingly to permit the operation thereof contrary to any provision of paragraph (1) of this subsection;

(3) To use a false or fictitious name or address in any application for registration or for a special use certificate, or any renewal or duplicate thereof, or knowingly to make any false statement or conceal any material fact in any such application; or

(4) For the owner of any motor vehicle to knowingly use or permit the use of any motor vehicle with a counterfeit, stolen, or otherwise fraudulent temporary identification tag.

(b)(1) Except as provided in subsection (c) of this section, any person violating any provision of this subchapter or the regulations made or promulgated under the authority hereof shall upon conviction thereof be subject to a fine of not more than \$1000 or imprisonment of not more than 30 days, or both such fine and imprisonment. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General for the District of Columbia or any of his assistants in the name of the District of Columbia.

(2) A motor vehicle being used in violation of subsection (a)(4) of this section shall be subject to seizure by the Mayor or any law enforcement officer of the District and to forfeiture to the District in accordance with to 6A DCMR §§ 805-810; such seizure and forfeiture may be in addition to the imposition of a fine or imprisonment as provided for in paragraph (1) of this subsection.

(3) The fine set forth in this section shall not be limited by § 22-3571.01.

(c)(1) A person violating subsection (a)(1) or (2) of this section shall be assessed the following civil penalties for a failure to maintain a valid and current registration:

(A) A fine of \$200 for a lapse in registration between one and 30 days; and

(B) A fine of \$200 for each additional unregistered month or portion thereof, up to a maximum of \$2,400.

(2) Violations under this subsection shall be adjudicated pursuant to Chapter 23 of this title [§ 50-2301.01 et seq.].

(d) Nothing in this section shall be interpreted as impeding the ability of a public safety officer to impound a vehicle that poses a threat to public health or safety.

(Aug. 17, 1937, 50 Stat. 682, ch. 690, title IV, § 4; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; Sept. 8, 1950, 64 Stat. 794, ch. 921, § 7; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 5, 2005, D.C. Law 15-287, § 2(b), 52 DCR 1437; Mar. 14, 2007, D.C. Law 16-279, § 403(c), 54 DCR 903; Mar. 25, 2009, D.C. Law 17-353, §§ 197(b), 198, 56 DCR 1117; Oct. 22, 2012, D.C. Law 19-183, § 2, 59 DCR 9429; June 11, 2013, D.C. Law 19-317, § 112(g), 60 DCR 2064.)

Section references. — This section is referenced in § 16-801 and § 50-2302.02.

Effect of amendments.

The 2012 amendment by D.C. Law 19-183 added “or” at the end of (a)(1)(B); substituted a period for the semicolon and “or” at the end of (a)(1)(C); repealed (a)(1)(D); in (b)(1), substituted “Except as provided in subsection (c) of this section, any person violating” for “Any person violating” and “Attorney General for the District of Columbia” for “Corporation Counsel of the District of Columbia”; and added (c) and (d).

The 2013 amendment by D.C. Law 19-317 added (b)(3).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2 of the Criminal Penalty for Unregistered Motorist Repeal Emergency Amendment Act of 2012 (D.C. Act 19-404, July 24, 2012, 59 DCR 9120).

For temporary amendment of (b)(1) and temporary addition of (c), see § 2 of the Criminal Penalty for Unregistered Motorist Repeal Emergency Amendment Act of 2012 (D.C. Act 19-404, July 24, 2012, 59 DCR 9120).

For temporary (90 days) amendment of this section, see § 112(g) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-183. — Law 19-183, the “Criminal Penalty for Unregistered Motorist Repeal Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-552. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively. Signed by the Mayor on July 31, 2012, it was assigned Act No. 19-436 and transmitted to Congress for its review. D.C. Law 19-183 became effective on Oct. 22, 2012.

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Subchapter IV. International Registration Plan Agreements.

§ 50-1507.03. Registration.

(a) The Mayor shall implement a program for owners and apportioned operators to obtain apportioned registrations for their fleets as promulgated under the IRP.

(b) Any vehicle qualifying for IRP and that the lists the District of Columbia as the established place of business must declare the District of Columbia as

its base jurisdiction for purpose of the IRP and obtain a base plate from the District of Columbia.

(c) Vehicles qualifying for the IRP and engaged in interjurisdictional movement, but not apportioned or covered by reciprocity, shall acquire a trip permit prior to entering the District of Columbia.

(d) Trucks and truck tractors, combinations of vehicles having a combined gross vehicle weight of 26,000 pounds or less may be proportionally registered at the option of the registrant.

(e) At no point during operation, shall the gross weight of a vehicle registered pursuant to this subchapter, or of the combination of vehicles of which the vehicle is a part, exceed the gross weight on the basis of which it is registered.

(f) Any owner or apportioned operator who fails to comply with subsection (b), (c) or (e) of this section shall be punished by a fine of not more than the amount set forth in § 22-3571.01 or jailed not longer than 180 days, or both, for each violation. In addition, a police officer may impound the vehicle until a valid registration or a trip permit is obtained.

(Sept. 5, 1997, D.C. Law 12-14, § 4, 44 DCR 3620; Apr. 27, 2001, D.C. Law 13-289, § 202, 48 DCR 2057; Mar. 14, 2007, D.C. Law 16-279, § 404, 54 DCR 903; June 11, 2013, D.C. Law 19-317, § 269, 60 DCR 2064.)

Section references. — This section is referenced in § 50-1401.02 and § 50-1501.02.

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “not to exceed \$500” in (f).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 269

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-1501.04.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

SUBTITLE V. NON-MOTORIZED VEHICLES.

CHAPTER 16. REGULATION OF BICYCLES.

Subchapter I. General Provisions

Part A

Bicycle Safety

Sec.
50-1604. District of Columbia Bicycle Advisory Council.

Subchapter I-A. Access to Justice for Bicyclists

Sec.
50-1621. Civil action for bicyclists.

Subchapter I. General Provisions.

PART A.

BICYCLE SAFETY.

§ 50-1604. District of Columbia Bicycle Advisory Council.

(a) There is established a District of Columbia Bicycle Advisory Council (the “Council”).

(b)(1) The Council shall be composed of 17 members appointed as follows:

(A) The bicycle coordinator of the Office of Bicycle Transportation and Safety of the District Department of Transportation, as established in § 50-1603;

(B) The Chief of the Metropolitan Police Department or his or her designee;

(C) The Director of the Office of Planning or his or her designee;

(D) The Director of the Department of Parks and Recreation or his or her designee; and

(E) Thirteen community representatives, with each member of the Council of the District of Columbia appointing one representative.

(2)(A) Each community representative shall be a resident of the District with a demonstrated interest in bicycling.

(B) A chairperson shall be elected from among the 13 community representatives and shall serve for a term of 2 years.

(c) The community members shall be appointed for a term of 3 years, with initial staggered appointments of 4 members appointed for 1 year, 5 members appointed for 2 years, and 4 members appointed for 3 years. The members to serve the 1-year term, the members to serve the 2-year term, and the members to serve the 3-year term shall be determined by lot at the 1st meeting of the Council.

(c-1) The District Department of Transportation shall provide the Bicycle Advisory Council with an annual operating budget, which shall include funds to maintain a website, where the Bicycle Advisory Council shall provide a public listing of members, meeting notices, and meeting minutes.

(d) The purpose of the Council shall be to serve as the advisory body to the Mayor, Council of the District of Columbia, and District agencies on matters pertaining to bicycling in the District and to make recommendations to the bicycle coordinator on the budget and focus of the Comprehensive Bicycle Transportation and Safety Program.

(Mar. 16, 1985, D.C. Law 5-179, § 5, 32 DCR 764; Oct. 26, 2001, D.C. Law 14-42, § 28, 48 DCR 7612; Mar. 13, 2004, D.C. Law 15-105, § 26(f), 51 DCR 881; July 18, 2008, D.C. Law 17-184, § 2(b), 55 DCR 6101; Mar. 25, 2009, D.C. Law 17-353, § 238(b), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 6062, 57 DCR 181; Dec. 24, 2013, D.C. Law 20-61, § 6052, 60 DCR 12472.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 rewrote (b)(2)(B).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 6052 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6052 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support

Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 6051 of D.C. Law 20-61 provided that Subtitle F of Title VI of the act may be cited as the “Bicycle Advisory Council Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Subchapter I-A. Access to Justice for Bicyclists.

§ 50-1621. Civil action for bicyclists.

(a) An individual who, while riding a bicycle, is the victim of an assault or battery by a motorist, and prevails in a civil action for such assault or battery, shall be entitled to:

- (1) Statutory damages of \$1,000 or actual damages, whichever is greater;
- (2) Reasonable attorney’s fees and costs; provided, that the total amount of damages is less than \$10,000; and
- (3) Any other relief available under the law.

(b) For the purposes of this section, the term “motorist” means an individual who operates a motor vehicle, as defined in § 50-2301.02(5A).

(Apr. 20, 2013, D.C. Law 19-264, § 2, 60 DCR 1346.)

Legislative history of Law 19-264. — Law 19-264, the “Access to Justice for Bicyclists Act of 2012,” was introduced in Council and assigned Bill No. 19-475. The Bill was adopted on first and second readings on Dec. 4, 2012 and

Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 18, 2013, it was assigned Act No. 19-625 and transmitted to Congress for its review. D.C. Law 19-264 became effective on April 20, 2013.

SUBTITLE VI. SAFETY.

CHAPTER 19. MOTOR VEHICLE OPERATORS; IMPLIED CONSENT TO CHEMICAL TESTING.

Subchapter I. Chemical Testing

Sec.

- Sec. 50-1901. Definitions.
- 50-1902. Implied consent to blood-alcohol content or blood-drug content tests;

- administration; accidents. [Repealed].
- 50-1903. Blood tests; medical professional to withdraw blood.
- 50-1904. Availability of chemical test results.

Sec.
50-1904.01. Preliminary breath test.
50-1904.02. Chemical testing after arrest.

Sec.
50-1907. Judicial review.

*Subchapter II. Refusal to Submit Specimens
for Chemical Testing*

50-1905. Test refusal; penalty; evidence of refusal.
50-1906. License revocation or denial order; hearing.

Subchapter III. Watercraft

50-1908. Definitions.
50-1909. Preliminary breath test.
50-1910. Chemical testing after arrest.
50-1911. Test refusal; evidence of refusal.
50-1912. Penalty.

Subchapter I. Chemical Testing.

§ 50-1901. Definitions.

For the purposes of this chapter, the term:

(1) “Chemical test” or “chemical testing” means any qualitative or quantitative procedure which is designed to demonstrate the existence or absence of a chemical compound or chemical group. Any handheld and portable breath testing instrument, otherwise known as a roadside breath test, is excluded from this definition.

(2) “Collision” means an impact between the operator’s vehicle, or anything attached to or transported by the vehicle, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

(3) “Commercial vehicle” means a vehicle used to transport passengers or property:

(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

(C) If the vehicle is a locomotive or a streetcar;

(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with Chapter 14 of Title 8 [§ 8-1401 et seq.] or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 et seq.); or

(E) If the vehicle is a vehicle for hire.

(4) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

(5) “Drug” means any chemical substance that affects the processes of the mind or body, including but not limited to a controlled substance as defined in § 48-901.02(4) and any prescription or non-prescription medication.

(6) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

(7) “Impaired” means a person’s ability to operate or be in physical control

of a vehicle is affected, due to consumption of alcohol or a drug or a combination thereof, in a way that can be perceived or noticed.

(8) "Intoxicated" means:

(A) Except as provided in subparagraph (B) of this paragraph, that:

(i) An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person's blood or per 210 liters of the person's breath, or of 0.10 grams or more per 100 milliliters of the person's urine; or

(ii) Any measurable amount of alcohol in the person's blood, urine, or breath if the person is under 21 years of age.

(B) If operating or in physical control of a commercial vehicle, that:

(i) An alcohol concentration at the time of testing of 0.04 grams or more per 100 milliliters of the person's blood or per 210 liters of the person's breath, or of 0.08 grams or more per 100 milliliters of the person's urine; or

(ii) Any measurable amount of alcohol in the person's blood, urine, or breath if the person is under 21 years of age.

(9) "Law enforcement officer" means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

(10) "License" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including:

(A) Any temporary or learner's permit;

(B) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) Any nonresident's operating privilege.

(11) "Mayor" means the Mayor of the District, or his or her designee.

(12) "Measurable amount" means any amount of alcohol capable of being, but not required to be, measured.

(13) "Medical professional" means a physician, registered nurse, licensed practical nurse, or any person who by certification or licensure is qualified to draw blood.

(14) "Motor vehicle" means all vehicles propelled by internal combustion engines, electricity, or steam. The term "motor vehicle" shall not include personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability.

(15) "Nonresident" shall include any person who is not a resident of the District.

(16) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of the District relating to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in the District.

(17) "Prior offense" means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred prior to the current offense regardless of when the arrest occurred. The term "prior offense" does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years before the arrest on the current offense.

(18) “Specimen” means that quantity of a person’s blood, breath, or urine necessary to conduct chemical testing to determine alcohol or drug content. A single specimen may be comprised of multiple breaths into a breath test instrument if such is necessary to complete a valid breath test, or a single blood draw or single urine sample regardless of how many times the blood or urine sample is tested.

(19) “Vehicle” means any appliance, conveyance, or carrier that moves over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

(20) “Vehicle for hire” means:

(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, or sightseeing vehicle, or for which the rate is fixed solely by the hour;

(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District; including taxicabs, limousines, party buses, and pedicabs.

(Oct. 21, 1972, 86 Stat. 1016, Pub. L. 92-519, § 1; Sept. 14, 1982, D.C. Law 4-145, § 4(a), 29 DCR 3138; Mar. 15, 1985, D.C. Law 5-176, § 5, 32 DCR 748; May 5, 1992, D.C. Law 9-96, § 3(a), 38 DCR 7274; Mar. 25, 2003, D.C. Law 14-235, § 9, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 208, 53 DCR 10225; Apr. 27, 2013, D.C. Law 19-266, § 101(c)(1), 59 DCR 12957.)

Section references. — This section is referenced in § 5-1419.

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 rewrote this section.

Emergency legislation.

For temporary (90 day) amendment of section, see § 101(c)(1) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary codification of §§ 50-1901 to 50-1904 as subchapter I of this chapter, see § 101(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary codification of §§ 50-1905 to 50-1907 as subchapter II of this chapter, see § 101(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional

Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary amendment of section, see § 101(c)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this chapter, see § 101(a) and (b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(c)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) designation of §§ 50-1901 to 50-1904 as subchapter I of this

chapter, see § 101(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see § 101(c)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — Law 19-266, the “Comprehensive Impaired Driving

and Alcohol Testing Program Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-777. The Bill was adopted on first and second readings on July 10, 2012, and Sept. 19, 2012, respectively. Signed by the Mayor on Oct. 24, 2012, it was assigned Act No. 19-489 and transmitted to Congress for its review. D.C. Law 19-266 became effective on Apr. 27, 2013.

Editor’s notes. — Section 101(a) of D.C. Law 19-266 designated §§ 50-1901 to 50-1904 as subchapter I of this chapter.

§ 50-1902. Implied consent to blood-alcohol content or blood-drug content tests; administration; accidents. [Repealed].

Repealed.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 2; Sept. 14, 1982, D.C. Law 4-145, § 4(b), (f), 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 7, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 3(b), 38 DCR 7274; May 24, 1994, D.C. Law 10-122, § 6(a), 41 DCR 1658; Apr. 13, 1999, D.C. Law 12-212, § 4(a), 46 DCR 5; Apr. 12, 2000, D.C. Law 13-91, § 152, 47 DCR 520; Mar. 2, 2007, D.C. Law 16-195, § 10(a), 53 DCR 8675; Apr. 27, 2013, D.C. Law 19-266, § 101(c)(2), 59 DCR 12957.)

Emergency legislation.

For temporary (90 day) repeal of section, see § 101(c)(2) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary repeal of section, see § 101(c)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) repeal of this sec-

tion, see § 101(c)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 101(c)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1903. Blood tests; medical professional to withdraw blood.

(a) Only a medical professional acting at the request of a law enforcement officer may withdraw blood, subject to the provisions of this chapter, for the purpose of determining the alcohol or drug content thereof. This limitation shall not apply to the taking of breath or urine specimens.

(b)(1) Except as provided in paragraph (2) of this subsection, the following persons are immune from criminal and civil liability based upon a claim of assault and battery, or any other claim that is not a claim of malpractice, for any act performed in collecting a person’s blood:

(A) Any law enforcement officer who assists in the collection of specimens from a person pursuant to this section;

(B) Any medical professional, staff, or security personnel who collects or assists in the collection of specimens from a person pursuant to this section; and

(C) Any hospital, first-aid station, clinic, or other location where specimens are collected from a person pursuant to this section.

(2) The immunity provided in this subsection shall not apply to a person who collects or assists in the collection of specimens if that person commits gross negligence or engages in intentionally wrongful conduct.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 3; Sept. 14, 1982, D.C. Law 4-145, § 4(c), (f), 29 DCR 3138; Apr. 27, 2013, D.C. Law 19-266, § 101(c)(3), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1904.02 and § 50-1910.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 rewrote this section.

Emergency legislation. — For temporary (90 day) amendment of section, see § 101(c)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 101(c)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 101(c)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(c)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1904. Availability of chemical test results.

Full information concerning the chemical test results administered under this chapter, including records as provided in § 5-1501.06, shall be made available to the person from whom specimens were obtained pursuant to Rule 16 of the District of Columbia Superior Court Rules of Criminal Procedure.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 4; Apr. 27, 2013, D.C. Law 19-266, § 101(c)(4), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 rewrote this section.

Emergency legislation. — For temporary (90 day) amendment of section, see § 101(c)(4) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 101(d)(1) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary codification of §§ 50-1905 to 50-1907 as subchapter II of this chapter, see § 101(b) of the Comprehensive Impaired Driv-

ing and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary amendment of section, see § 101(c)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 8a, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519,

§ 8b, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 101(c)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(c)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1904.01. Preliminary breath test.

(a) When a law enforcement officer has reasonable grounds to believe that a person was operating or in physical control of a vehicle within the District while intoxicated or while the person's ability to operate a vehicle is impaired by the consumption of alcohol or a drug or a combination thereof, the law enforcement officer may, without making an arrest or issuing a violation notice, request that the person submit to a preliminary breath test, to be administered by the law enforcement officer, who shall use a device which the Mayor has approved by rule for that purpose.

(b) Before administering the test, the law enforcement officer shall advise the person to be tested that the preliminary breath test is voluntary and that the results of the test will be used to aid in the law enforcement officer's decision whether to arrest the person.

(c) The results of the preliminary breath test shall be used by the law enforcement officer to aid in the decision whether to arrest the person, and the results of the test shall not be used as evidence by the District in any prosecutions and shall not be admissible in any judicial proceeding except in any judicial or other proceeding in which the validity of the arrest or the conduct of the law enforcement officer is an issue.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 4a, as added Apr. 27, 2013, D.C. Law 19-266, § 101(d)(1), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this

section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

Editor's notes. — Section 101(b) of D.C. Law 19-266 designated §§ 50-1905 to 50-1907 as subchapter II of this chapter.

§ 50-1904.02. Chemical testing after arrest.

(a) Except as provided in subsection (b) of this section, when a law enforcement officer has reasonable grounds to believe that a person was operating or in physical control of a motor vehicle within the District while intoxicated or while the person's ability to operate a motor vehicle is impaired

by the consumption of alcohol or a drug or a combination thereof, after arrest of the person, the person shall:

(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his or her consent, subject to the provisions of this chapter, to submitting 2 specimens for chemical testing of the person's blood, breath, or urine, for the purpose of determining alcohol or drug content; and

(2) Submit 2 specimens for chemical testing of his or her blood, breath, or urine for the purpose of determining alcohol or drug content when he or she is involved in a collision in the District.

(b) When a person is required to submit specimens for chemical testing pursuant to subsection (a) of this section, a law enforcement officer shall elect which types of specimens will be collected from the person and the law enforcement officer or a medical professional shall collect the specimen subject to the restriction in § 50-1903(a); provided, that the person may object to a particular type of specimen collection for chemical testing on valid religious or medical grounds. If a person objects to blood collection on valid religious or medical grounds, that person shall only be required to submit breath or urine specimens for collection.

(c) In addition to submitting specimens for chemical testing as provided in this section, a person may also submit specimens for chemical testing administered to him or her by a medical professional of his or her own choosing. The failure or inability of the person to obtain additional specimens or chemical tests shall not preclude the admission of chemical tests results that were the product of the law enforcement officer's request under this section.

(d) Before collecting specimens for chemical testing, the law enforcement officer shall advise the operator of the motor vehicle about the requirements of this chapter.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 4b, as added Apr. 27, 2013, D.C. Law 19-266, § 101(d)(1), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1905.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of

2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

Subchapter II. Refusal to Submit Specimens for Chemical Testing.

§ 50-1905. Test refusal; penalty; evidence of refusal.

(a)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1904.02(a), he or she shall be informed that failure or refusal to submit to chemical testing will result in the revocation of his or

her license or privilege to drive in the District of Columbia as provided in this section.

(2) If a person, after having been informed as provided in paragraph (1) of this subsection, still refuses to submit to chemical testing, no test shall be given, but the Mayor, upon receipt of a sworn report of the law enforcement officer that he or she had reasonable grounds to believe the arrested person had been driving or was in physical control of a motor vehicle upon the highways while the person was intoxicated or while the person's ability to operate a motor vehicle was impaired by the consumption of alcohol or a drug or a combination thereof, and that the person had refused to submit 2 specimens for chemical testing, shall:

(A) Revoke his or her license or privilege to drive in the District of Columbia for a period of 12 months; or

(B) Deny the person the issuance of a license, if the person is without a license to operate a motor vehicle in the District, for a period of 12 months after the date of the alleged violation.

(b) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1904.02(a), and the person has had a conviction for a prior offense under § 50-2206.11, § 50-2206.12, or § 50-2206.14, there shall be a rebuttable presumption that the person is under the influence of alcohol or a drug or any combination thereof.

(c) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1904.02(a), evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person before the arrest.

(d)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1904.02(a) and the person was involved in a collision that resulted in a fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may employ whatever means are reasonable to collect blood specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or under the influence of alcohol or of any drug or any combination thereof.

(2) If a person required to submit blood testing under paragraph (1) of this subsection objects on valid religious or medical grounds, that person shall not be required to submit blood specimens but the law enforcement officer may employ whatever means are reasonable to collect breath or urine specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or under the influence of alcohol or of any drug or any combination thereof.

(Oct. 21, 1972, 86 Stat. 1018, Pub. L. 92-519, § 5; Sept. 14, 1982, D.C. Law 4-145, § 4(d), (f), 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 8, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 3(c), 38 DCR 7274; May 24, 1994, D.C. Law 10-122, § 6(b), 41 DCR 1658; Apr. 13, 1999, D.C. Law 12-212, § 4(b), 46 DCR 5; Mar. 2, 2007, D.C. Law 16-195, § 10(b), 53 DCR 8675; Mar. 14, 2007, D.C. Law 16-279, § 104(a), 54 DCR 903; Apr. 27, 2013, D.C. Law 19-266, § 101(d)(2), 59 DCR 12957.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 rewrote this section.

Emergency legislation.

For temporary (90 day) amendment of section, see § 101(d)(2) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 101(d)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 101(d)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary designation of §§ 50-1905 to 50-1907 as subchapter II of this chapter, see § 101(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344).

For temporary (90 days) amendment of this section, see § 101(d)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

LAW REVIEWS AND JOURNAL COMMENTARIES

Administrative Driver's License Suspension: A Remedial Tool That Is Not In Jeopardy, 45 Am. U.L. Rev. 1151.

§ 50-1906. License revocation or denial order; hearing.

(a) Whenever any license, or privilege to drive in the District of Columbia, has been revoked or denied under the provisions of this chapter, the reasons therefor shall be set forth in the order of revocation or denial, as the case may be. Such order shall take effect in 10 days (15 days, if the person is a nonresident) after service of notice on the person whose license or privilege to drive in the District of Columbia is to be revoked or who was denied a license. A hearing on the revocation shall be held if the respondent files a request for a hearing within 10 days (15 days if the person is a nonresident) of service of the notice. Such hearing by the Mayor shall cover the issues of:

(1) Whether a law enforcement officer had reasonable grounds to believe such person had been operating or was in physical control of a motor vehicle upon the highway while intoxicated or while the person's ability to operate a motor vehicle was impaired by alcohol or a drug or any combination thereof; and

(2) Whether such person, having been placed under arrest, refused to submit specimens for chemical testing, after having been informed of the consequences of such refusal.

(b) If, following the hearing provided in subsection (a) of this section, the Mayor shall sustain the order of revocation, the same shall become effective immediately.

(Oct. 21, 1972, 86 Stat. 1018, Pub. L. 92-519, § 6; Sept. 14, 1982, D.C. Law 4-145, § 4(e), (f), 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 9, 29 DCR 5753; Apr. 13, 1999, D.C. Law 12-212, § 4(c), 46 DCR 5; Mar. 2, 2007, D.C. Law 16-195, § 10(c), 53 DCR 8675; Mar. 14, 2007, D.C. Law 16-279, § 104(b), 54 DCR 903; Apr. 27, 2013, D.C. Law 19-266, § 101(d)(3), 59 DCR 12957.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 rewrote (a)(1); and substituted “submit specimens for chemical testing” for “submit to the test or tests” in (a)(2).

Emergency legislation.

For temporary (90 day) amendment of section, see § 101(d)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (a), see § 101(d)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of

2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 101(d)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(d)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1907. Judicial review.

Any person aggrieved by a final order of the Mayor revoking his or her license or denying him or her a license under the authority of this subchapter, may obtain a review thereof in accordance with § 2-510.

(Oct. 21, 1972, 86 Stat. 1018, Pub. L. 92-519, § 7; Apr. 27, 2013, D.C. Law 19-266, § 101(d)(4), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 substituted “his or her license” for “his license”; substituted “denying him or her” for “denying him”; and substituted “this subchapter” for “this chapter.”

Emergency legislation. — For temporary (90 day) amendment of section, see § 101(d)(4) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 101(e) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 101(d)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of subchapter III of this chapter, concerning operation of a watercraft while intoxicated, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 101(d)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(d)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

Subchapter III. Watercraft.

§ 50-1908. Definitions.

For the purposes of this subchapter, the term:

(1) “Collision” means an impact between the operator’s watercraft, or anything attached to or transported by the watercraft, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

(2) “Watercraft” means a boat, ship, or other craft used for water transportation, as well as water skis, aquaplane, sailboard, or similar vessel.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 7a, as added Apr. 27, 2013, D.C. Law 19-266, § 101(e), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1909. Preliminary breath test.

(a) When a law enforcement officer has reasonable grounds to believe that a person is or has been operating or in physical control of a watercraft within the District while intoxicated or while the person’s ability to operate a watercraft is impaired by the consumption of alcohol or a drug or a combination thereof, the law enforcement officer may, without making an arrest or issuing a violation notice, request that the person submit to a preliminary breath test, to be administered by the law enforcement officer, who shall use a device which the Mayor has approved by rule for that purpose.

(b) Before administering the test, the law enforcement officer shall advise the person to be tested that the test is voluntary and that the results of the test will be used to aid in the law enforcement officer’s decision whether to arrest the person.

(c) The results of the preliminary breath test shall be used by the law enforcement officer to aid in the decision whether to arrest the person, and the results of the test shall not be used as evidence by the District in any prosecutions and shall not be admissible in any judicial proceeding except in any judicial or other proceeding in which the validity of the arrest or the conduct of the law enforcement officer is an issue.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 7b, as added Apr. 27, 2013, D.C. Law 19-266, § 101(e), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1910. Chemical testing after arrest.

(a) Except as provided in subsection (b) of this section, any person who

operates or who is in physical control of any watercraft within the District and a law enforcement officer has reasonable grounds to believe that the person is operating or in physical control of a watercraft while intoxicated or while the person's ability to operate a watercraft is impaired by the consumption of alcohol or a drug or a combination thereof, after arrest shall:

(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his or her consent, subject to the provisions of this chapter, to submitting 2 specimens for chemical testing of the person's blood, breath, or urine, for the purpose of determining alcohol or drug content; and

(2) Submit 2 specimens for chemical testing of his or her blood, breath, or urine for the purpose of determining alcohol or drug content when he or she is involved in a collision in the District.

(b) When a person is required to submit specimens for chemical testing pursuant to subsection (a) of this section, a law enforcement officer shall elect which types of specimens will be collected from the person and the law enforcement officer or a medical professional shall collect the specimen subject to the restriction in § 50-1903(a); provided, that the person may object to a particular type of specimen collection for chemical testing on valid religious or medical grounds. If a person objects to blood collection on valid religious or medical grounds, that person shall only be required to submit breath or urine specimens for collection.

(c) In addition to submitting specimens for chemical testing as provided in this section, a person may also submit specimens for chemical testing administered to him or her by a medical professional of his or her own choosing. The failure or inability of the person to obtain additional specimens or chemical tests shall not preclude the admission of chemical tests results that were the product of the law enforcement officer's request.

(d) Before collecting specimens for chemical testing, the law enforcement officer shall advise the operator of the watercraft about the requirements of this chapter.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 7c, as added Apr. 27, 2013, D.C. Law 19-266, § 101(e), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1911.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1911. Test refusal; evidence of refusal.

(a) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1910(a), he or she shall be informed that failure or refusal

to submit to chemical testing will result in his or her inability to operate a watercraft in the District of Columbia as provided in § 50-1912.

(b) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1910(a), and the person has a prior offense under § 50-2206.31 or § 50-2206.32, there shall be a rebuttable presumption that the person is under the influence of alcohol or a drug or any combination thereof.

(c) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1910(a), evidence of such refusal shall be admissible in any civil or criminal proceeding arising as a result of the acts alleged to have been committed by the person before the arrest.

(d)(1) If a person under arrest refuses to submit specimens for chemical testing as provided in § 50-1910(a), and the person was involved in a collision that resulted in a fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may employ whatever means are reasonable to collect blood specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or was under the influence of alcohol or of any drug or any combination thereof.

(2) If a person required to submit to blood collection under paragraph (1) of this subsection objects on valid religious or medical grounds, that person shall not be required to submit blood specimens but the law enforcement officer may employ whatever means are reasonable to collect breath or urine specimens from the person if the law enforcement officer has reasonable grounds to believe that the person was intoxicated or was under the influence of alcohol or of any drug or any combination thereof.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 7d, as added Apr. 27, 2013, D.C. Law 19-266, § 101(e), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-1912. Penalty.

If a person refuses to submit to chemical testing under this subchapter, the Superior Court of the District of Columbia shall order the person not to operate any watercraft for at least one year. A refusal to submit to any test as required by this section shall be punishable by a fine not more than the amount set forth in § 22-3571.01, imprisonment of 90 days, or both.

(Oct. 21, 1972, 86 Stat. 1017, Pub. L. 92-519, § 7e, as added Apr. 27, 2013, D.C. Law 19-266, § 101(e), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 270, 60 DCR 2064.)

Section references. — This section is referenced in § 50-1911.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 substituted “fine not more than the amount set forth in § 22-3571.01” for “\$500 fine”.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 270 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Im-

paired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 20. SENIOR CITIZEN MOTOR VEHICLE ACCIDENT PREVENTION COURSE CERTIFICATION.

Sec.
50-2001. Findings.
50-2002. Approval of courses; certificate of completion.

Sec.
50-2003. Insurance discounts.

§ 50-2001. Findings.

The Council of the District of Columbia finds that:

(1) Drivers 50 years of age and older are an increasing segment of the District of Columbia’s motorists whose unique driving habits justify the development of driver improvement training programs specifically designed for senior citizens.

(2) Statistics indicate that although the number of annual miles driven declines for drivers 50 years of age and older, motor vehicle accident rates for senior citizens increase when measured by accidents per mile driven, and highlight the need for measures to improve highway safety by educating older drivers about their specific driving customs and experiences.

(3) Senior citizen motor vehicle safety and driver improvement programs will improve the driving skills of older motorists, will update their driving knowledge, and will result in greater driving safety in the District of Columbia.

(Feb. 9, 1984, D.C. Law 5-46, § 2, 30 DCR 5638; Dec. 13, 2013, D.C. Law 20-51, § 2(a), 60 DCR 15155.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-51 substituted “50 years of age” for “55 years of age” throughout the section.

Legislative history of Law 20-51. — Law

20-51, the “Older Adult Driver Safety Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-177. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively.

Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-190 and transmitted to Congress for its review. D.C. Law 20-51 became effective on December 13, 2013.

§ 50-2002. Approval of courses; certificate of completion.

(a) The Department of Transportation shall establish criteria and guidelines for the approval of motor vehicle accident prevention courses (“course”) for individuals 50 years of age and older.

(b) An approved classroom course shall require that each student receives a minimum of 6 hours of instruction for the initial course and 4 hours of instruction for the renewal courses.

(b-1) An approved online course shall require that each student receives validation of instruction that is equal to or greater than that offered in a classroom course.

(c) An individual who successfully completes an approved course shall be issued a certificate of completion by the organization operating the course.

(Feb. 9, 1984, D.C. Law 5-46, §§ 3, 4, 30 DCR 5638; Dec. 13, 2013, D.C. Law 20-51, § 2(b), 60 DCR 15155.)

Section references. — This section is referenced in § 50-2003.

Effect of amendments. — The 2013 amendment by D.C. Law 20-51 substituted “50 years of age” for “55 years of age” in (a); rewrote (b), which read: “An approved course shall

provide not less than 8 hours of actual classroom or field driving instruction”; and added (b-1).

Legislative history of Law 20-51. — See note to § 50-2001.

§ 50-2003. Insurance discounts.

(a) All insurance companies authorized to sell motor vehicle insurance in the District of Columbia shall provide a discount in the amount charged for a motor vehicle insurance policy to individuals 50 years of age and older who have successfully completed an approved course.

(b) Any schedule of rates or any rating plan for a motor vehicle insurance policy approved by the Department of Insurance shall provide for an appropriate 2-year discount in the premiums for individuals 50 years of age and older who have successfully completed an approved course.

(c) The requirement in subsection (b) of this section shall be satisfied if an insurance company’s schedule of rates or rating plan provides a discount in the premiums for all individuals 50 years of age and older based upon factors related to the individual’s age.

(d) A certificate of completion issued pursuant to § 50-2002(c) shall qualify an individual for the discount set forth in subsection (b) of this section during the 2-year period immediately following issuance of the certificate.

(e) An individual shall complete an approved course every 2 years in order to continue to be eligible for a discount in the premiums of a motor vehicle policy of insurance provided pursuant to subsection (b) of this section.

(Feb. 9, 1983, D.C. Law 5-46, §§ 5, 6, 30 DCR 5638; Dec. 13, 2013, D.C. Law 20-51, § 2(c), 60 DCR 15155.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-51 substituted “50 years of age” for “55 years of age” throughout the section.

Legislative history of Law 20-51. — See note to § 50-2001.

CHAPTER 21A. SAFETY IMPACT OF FINE REDUCTIONS.

Sec.
50-2111. Safety impact of fine reductions.

§ 50-2111. Safety impact of fine reductions.

Within 18 months of May 1, 2013, the Mayor shall transmit to the Council an assessment of the safety impact, if any, resulting from the reduced fines required by Title III of this act, which shall include a detailed analysis of any changes in moving violation rates and repeat violation rates.

(May 1, 2013, D.C. Law 19-307, § 101, 60 DCR 2753.)

Emergency legislation. — For temporary (90 days) addition of this section, see § 101 of the Safety-Based Traffic Enforcement Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Legislative history of Law 19-307. — Law 19-307, the “Safety-Based Traffic Enforcement Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-1013. The Bill was adopted on first and second readings on December 4, 2012, and December 18, 2012, respectively. Enacted without signature of the Mayor on February 5, 2013, it was assigned Act

No. 19-674 and transmitted to Congress for its review. D.C. Law 19-307 became effective on May 1, 2013.

References in text. — “Title III of this act,” referred to in this section, is D.C. Law 19-307, § 301, which amended Section 2600.1 of Title 18 of the District of Columbia Municipal Regulations. The applicability of those DCMR amendments are governed by D.C. Law 19-307, § 401(b).

Editor’s notes. — Applicability of D.C. Law 19-307: Section 401(a) of D.C. Law 19-307 provided that this chapter shall apply as of May 1, 2013.

SUBTITLE VII. TRAFFIC.

CHAPTER 22. REGULATION OF TRAFFIC.

Subchapter I. General Provisions

Part A

Traffic Act, 1925

- Sec.
50-2201.02. Definitions.
50-2201.03. Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.
50-2201.04. Speeding and reckless driving.

- Sec.
50-2201.04b. Operation of all-terrain vehicles and dirt bikes.
50-2201.04d. Bicyclists’ use of leading pedestrian intervals.
50-2201.05. Fleeing from scene of accident; driving under the influence of liquor or drugs. [Repealed].
50-2201.05a. Establishment of Ignition Interlock Device Program.
50-2201.05b. Fleeing from a law enforcement officer in a motor vehicle.
50-2201.05c. Leaving after colliding.
50-2201.05d. Object falling or flying from vehicle.

MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

Sec.

50-2201.07. Control over park system not affected by this part.

Part B

Miscellaneous

- 50-2201.27. [Reserved].
- 50-2201.28. Right-of-way at crosswalks.
- 50-2201.30. Special signs for failure to yield to pedestrians in crosswalks.
- 50-2201.31. Signs identifying the District as a strict enforcement zone.
- 50-2201.32. Speed limit assessment.
- 50-2201.33. Emergency speed-limit changes. [Repealed].

Subchapter II. Negligent Homicide

50-2203.01. Negligent homicide.

Subchapter III. Driving While Under the Influence of Alcohol

- 50-2205.02. Evidence of intoxication. [Repealed].
- 50-2205.03. Admissibility of test results. [Repealed].

Subchapter III-A. Impaired Operating or Driving

Part A

Definitions

50-2206.01. Definitions.

Part B

Operating a Vehicle

- 50-2206.11. Driving under the influence of alcohol or a drug.
- 50-2206.12. Driving under the influence of alcohol or a drug; commercial vehicle.
- 50-2206.13. Penalties for driving under the influence of alcohol or a drug.
- 50-2206.14. Operating a vehicle while impaired.
- 50-2206.15. Penalty for operating a vehicle while impaired.
- 50-2206.16. Operating under the influence of alcohol or a drug; horse-drawn vehicle.
- 50-2206.17. Additional penalty for driving under the influence of alcohol or a drug; commercial vehicle.
- 50-2206.18. Additional penalty for impaired driving with a minor in vehicle.

Part C

Operating a Watercraft

Sec.

- 50-2206.31. Operating under the influence of alcohol or a drug; watercraft.
- 50-2206.32. Penalties for operating watercraft under the influence of alcohol or a drug.
- 50-2206.33. Operating a watercraft while impaired.
- 50-2206.34. Penalties for operating watercraft while impaired.
- 50-2206.35. Harbor Master public awareness campaign.
- 50-2206.36. Additional penalty for impaired operating with a minor in the watercraft.

Part D

Enforcement

- 50-2206.51. Evidence of impairment.
- 50-2206.52. Admissibility of chemical test results.
- 50-2206.52a. Presence or testimony of person maintaining breath test instrument in a criminal proceeding.
- 50-2206.52b. Notification regarding admissibility of breath test results in a criminal proceeding.
- 50-2206.52c. Admissibility of chemical test results for a criminal proceeding; blood or urine.
- 50-2206.53. Prosecution and diversionary program.
- 50-2206.54. Assessment of alcohol or drug abuse and treatment.
- 50-2206.55. Revocation of permit or privilege to drive.
- 50-2206.56. Impounding of vehicle; release of vehicle; liability.
- 50-2206.57. Mandatory-minimum periods.
- 50-2206.58. Fines.
- 50-2206.59. Effect of later repeal or amendment.

Subchapter V. Automated Traffic Enforcement

Part A

General

- 50-2209.01. Authorized; violations as moving violations; evidence; definition.
- 50-2209.02. Liability for fines; notice of infraction; hearing.

Part B

Automated Enforcement Expansion Plan

- 50-2209.11. Automated enforcement expansion plan.

Subchapter I. General Provisions.

PART A.

TRAFFIC ACT, 1925.

§ 50-2201.02. Definitions.

For the purposes of this chapter, the term:

(1) “Alcohol” means a liquid, gas, or solid, containing ethanol from whatever source or by whatever processes produced, whether or not intended for human consumption.

(2) “All-terrain vehicle” or “ATV” means any motor vehicle with not less than 3 low-pressure tires, but not more than 6 low-pressure tires, designed primarily for off-road use and which has a seat or saddle designed to be straddled by the operator. The terms “all-terrain vehicle” and “ATV” shall not include golf carts, riding lawnmowers, or tractors.

(3) “Collision” means an impact between the operator’s vehicle, or anything attached to or transported by the vehicle, and anything else, regardless of whether it is a person, a wild or domestic animal, real property, or personal property.

(4) “Commercial vehicle” means a vehicle used to transport passengers or property:

(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

(C) If the vehicle is a locomotive or a streetcar;

(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with Chapter 14 of Title 8 [§ 8-1401 et seq.], or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 et seq.); or

(E) If the vehicle is a vehicle for hire.

(5) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

(6) “Dirt bike” means any motorcycle designed primarily for off-road use.

(7) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

(8) “Identifying information” means the name, complete address, and telephone number of the operator of the vehicle; if the owner of the vehicle is different from the operator of the vehicle, the name, complete address, and

telephone number of the owner of the vehicle operated; the tag number of the vehicle operated or, if no tag number, the vehicle identification number; and insurance information for the vehicle operated.

(9) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

(10) “Mayor” means the Mayor of the District of Columbia or his or her designee.

(11) “Motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined in paragraph (13) of this section, or a battery-operated wheelchair when operated by a person with a disability.

(12) “Park” means to leave any motor vehicle standing on a highway, whether or not attended.

(13) “Personal mobility device” or “PMD” means a motorized propulsion device designed to transport one person or a self-balancing, two non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but does not include a battery-operated wheelchair.

(14) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred before the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years prior to the arrest on the current offense.

(15) “This chapter” includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

(16) “Traffic” includes not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

(17) “Vehicle” includes any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

(18) “Vehicle conveyance fee” shall have the same meaning as provided in § 50-2301.02(9).

(19) “Vehicle for hire” means:

(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or for which the rate is fixed solely by the hour;

(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

(D) Any other vehicle that provides transportation for a fee not oper-

ated on a schedule or between fixed termini and operating in the District, including taxicabs, limousines, party buses, and pedicabs.

(20) “Work zone” means the area of a highway or roadway that is affected by construction, maintenance, or utility work activities, including the area delineated by and within all traffic control devices erected or installed to guide vehicular, pedestrian, and bicycle traffic.

(Mar. 3, 1925, 43 Stat. 1119, ch. 443, § 2; July 3, 1926, 44 Stat. 812, ch. 739, § 1; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 1; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Apr. 26, 1977, D.C. Law 1-133, title II, § 201(a), 23 DCR 9697; Nov. 15, 1983, D.C. Law 5-42, § 2(a), 30 DCR 4999; Mar. 15, 1985, D.C. Law 5-176, § 12(a), 32 DCR 748; May 5, 1992, D.C. Law 9-96, § 4(a), 38 DCR 7274; Apr. 27, 2001, D.C. Law 13-289, § 401(a), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 10(a), 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, §§ 90(c), 94 to 97, 51 DCR 881; Apr. 5, 2005, D.C. Law 15-289, § 2(a), 52 DCR 1446; Mar. 6, 2007, D.C. Law 16-224, § 101(a), 53 DCR 10225; Jan. 23, 2008, D.C. Law 17-67, § 2(a), 54 DCR 11646; Mar. 20, 2009, D.C. Law 17-303, § 3(a), 55 DCR 12803; Sept. 26, 2012, D.C. Law 19-171, § 140, 59 DCR 6190; Apr. 27, 2013, D.C. Law 19-266, § 102(a), 59 DCR 12957.)

Section references. — This section is referenced in § 5-114.01, § 31-2402, § 50-601, § 50-1108, § 50-1201, § 50-1301.02, § 50-1331.01, § 50-1401.01, § 50-1501.01, § 50-1505.01, § 50-1901, § 50-2301.02, and § 50-2602.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted “The term ‘vehicle conveyance fee’ shall” for “ ‘Vehicle conveyance fee’ shall” in (16).

The 2013 amendment by D.C. Law 19-266 rewrote this section.

Emergency legislation.

For temporary (90 day) amendment of section, see § 102(a) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 102(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 102(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013

(D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 102(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-266. — Law 19-266, the “Comprehensive Impaired Driving and Alcohol Testing Program Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-777. The Bill was adopted on first and second readings on July 10, 2012, and Sept. 19, 2012, respectively. Signed by the Mayor on Oct. 24, 2012, it was assigned Act No. 19-489 and transmitted to Congress for its review. D.C. Law 19-266 became effective on Apr. 27, 2013.

§ 50-2201.03. Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.

(a) The Mayor is authorized and empowered to make, modify, repeal, and enforce rules relating to and concerning the following:

- (1) The control of traffic and the movement of traffic;
- (2)(A) The length, weight, height, and width of vehicles; and
(B) The brakes, horns, lights, mufflers, and other equipment of vehicles and the inspection of same;
- (3)(A) The registration and reregistration of vehicles;
(B) The titling and retitling of motor vehicles and trailers, and the transfer of titles to motor vehicles and trailers; and
(C) The revocation, suspension, restoration, and reinstatement of the registration for motor vehicles and trailers and of certificates of title to motor vehicles and trailers;
- (4) The issuance, suspension, revocation, restoration, and reinstatement of operator's permits and operating privileges; provided, that the fee for restoration or reinstatement shall be \$98;
- (5) The establishment and location of hack stands; and
- (6) The speed, routing, and parking of vehicles; provided, that the Mayor shall establish and locate parking areas in the vicinity of government establishments for use only by members of Congress and governmental officials when on official business.

(b) There is established in the government of the District of Columbia a Department of Transportation, which under the direction of the Mayor, shall have charge of the issuance and revocation of operators' permits, the registration and titling of motor vehicles, the making of traffic studies and plans, the establishment and designation of arterial and other public highways, providing for the equipment of any street, road, or highway with control lights or other devices, or both, for the regulation of traffic, the installation and maintenance of traffic signs, signals, and markers, and of such other matters as may be determined by the Mayor. The Mayor shall appoint a Director of Vehicles and Traffic, who shall be in charge of said Department, and such other personnel as he or she may deem necessary to perform the duties thereof and as may be appropriated for by Congress. The Director of Vehicles and Traffic shall be responsible directly to the Mayor for the faithful performance of his or her duties and shall be subject to removal by the Mayor for cause.

(c) Members of Congress or the Council may park their vehicles in any available curb space in the District of Columbia, when:

- (1) The vehicle is used by the member of Congress or the Council on official business;
- (2) The vehicle is displaying a Congressional or Council registration tag or parking placard issued for the current session or by the District; and

(3) The vehicle is not parked in violation of a loading zone, rush hour, firehouse, or fire plug limitation.

(d) The Mayor shall cause to be levied, collected, and paid a \$26 fee for each titling, duplicate titling, and retitling, and he or she shall not, after the 1st day of January, 1932, register or renew the registration of any motor vehicle or trailer unless and until the owner thereof shall make application in the form prescribed by the Mayor and be granted an official certificate of title for such vehicle. No registration or titling fee shall be charged for vehicles owned by the District government. The owner of a motor vehicle or trailer registered in the District of Columbia shall not, after the 1st day of January, 1932, operate or permit or cause to be operated any such vehicle upon any public highway in the District without first obtaining a certificate of title therefor, nor shall any individual knowingly permit any certificate of title to be obtained in his or her name for any vehicle not in fact owned by him or her, and any individual violating any provision of this subsection or any regulations promulgated thereunder shall be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than one year, or both. If the properly designated agent of the Mayor shall determine that an applicant for a certificate of title is not entitled thereto, such certificate of title may be refused, and in that event unless such determination is reversed upon written application to the Mayor by the individual affected, such individual shall be entitled to proceed further as provided under § 50-1403.01(a); provided, that reasonable time for hearing be given the applicant in the first instance.

(e) As to all common carriers by vehicle which enter, operate in, or leave the District of Columbia, the power to route small vehicles within the District of Columbia, to regulate their equipment other than that specifically named elsewhere in this part, to regulate their schedules and their loading and unloading, to locate their stops and all platforms and loading zones, and to require the appropriate marking thereof is vested in the Public Service Commission of the District of Columbia.

(f) Except as otherwise provided in this part or in the District of Columbia Traffic Adjudication Act of 1978 (§ 50-2301.01 et seq.), any person violating any provision of this part or any rule promulgated hereunder shall, upon conviction thereof, be fined not more than the amount set forth in § 22-3571.01 or imprisoned for not more than 90 days, or both. Prosecution for violations shall be in the Superior Court of the District of Columbia upon information or indictment filed by the Corporation Counsel of the District of Columbia or any of his or her assistants.

(g) All regulations promulgated under the authority of this part shall be published in accordance with the requirements of subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.].

(h) Repealed.

(i) Repealed.

(j)(1) In addition to the fees and charges levied under other provisions of this part, there is levied and imposed an excise tax on the issuance of every original certificate of title for a motor vehicle or trailer in the District of Columbia and every subsequent certificate of title issued in the District of Columbia in the

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case of a sale, resale, or gift, except in the case of a bona fide gift of a vehicle already titled in the District given between spouses, parent and child, or domestic partners, as that term is defined in § 32-701(3), or other transfer at the following percentage of the fair market value of the motor vehicle or trailer at the time the certificate of title is issued:

Weight Class	Registration Fee
Class I (3,499 pounds or less)	6%
Class II (3,500 — 4,999 pounds)	7%
Class III (5,000 pounds or greater)	8%.

(2) For the purpose of this section, the Mayor or his or her duly authorized representative shall determine the fair market value of a motor vehicle or trailer. As used in this section, the term “original certificate of title” shall mean the first certificate of title issued by the District of Columbia for any particular motor vehicle or trailer. No certificate of title so issued shall be delivered or furnished to the person entitled thereto until the tax has been paid in full. The Assessor of the District of Columbia may require every applicant for a certificate to title to supply such information as he or she deems necessary as to the time of purchase, the purchase price, and other information relative to the determination of the fair market value of any motor vehicle or trailer for which a certificate of title is required and issued.

(3) The issuance of certificates of title for the following motor vehicles and trailers shall be exempt from the tax imposed by this subsection:

(A) Motor vehicles and trailers owned by the United States or the District of Columbia;

(B) Repealed;

(C) Repealed;

(D) Motor vehicles and trailers owned by a utility or public service company for use in furnishing a commodity or service; provided, that the receipts from furnishing such commodity or service are subject to a gross receipts or mileage tax in force in the District of Columbia at the time of a certificate of title for any such vehicle or trailer is issued.

(E) New motor vehicles acquired from dealers as replacements for defective vehicles purchased new not more than 60 days prior to the date of such replacement, except that if the fair market value of any replacement vehicle is greater than that of the vehicle which it replaces, then the tax imposed by this section shall be paid on such difference in value. If the fair market value of any replacement vehicle is less than that of the vehicle which it replaces, then the Mayor or his or her designated agent is authorized to refund to the owner of the replacement vehicle an amount equal to the difference between the excise tax paid on the defective vehicle and the excise tax paid on the replacement vehicle.

(F) Rental or leased motor vehicles or trailers; provided, that the rental or leasing of such vehicles is subject to the gross receipts tax described in § 47-2002(3)(C).

(G) Taxis or taxicabs as defined in § 50-303(8).

(H) Motor vehicles and trailers registered or titled in another state or

United States jurisdiction by a nonresident before the nonresident established or maintained residency in the District.

(I) Commercial vehicles having the characteristics specified [in] § 47-2352(c) that are owned or leased by a company with an established place of business (as defined in § 47-2302(13)) located within the District of Columbia, if such vehicles are used to furnish a commodity or service; provided, that, the receipts from furnishing such commodity or service are subject to a gross receipts or mileage tax in force in the District of Columbia at the time a certificate of title is issued for the vehicle.

(J) Motor vehicles, excluding motorcycles and motor-driven cycles, with an estimated average miles per gallon ("MPG") for city driving at or above 40 MPG, as determined in accordance with 40 CFR § 600.001-08, and published in the Fuel Economy Guide by the United States Environmental Protection Agency and the United States Department of Energy or other alternative fueled vehicles as determined by the Department of Motor Vehicles through rulemaking.

(K) Motor vehicles following the death of one co-owner; provided, that the title is issued to a surviving owner.

(L) Motor vehicles whose ownership is determined by a decree of divorce or separation or pursuant to a written instrument incident to such divorce or separation; or, in the case of former domestic partners, ownership is either determined by a court order or one co-owner transfers his or her interest to the other co-owner provided that the applicant also submits the termination statement provided for in § 32-702(d)(1); and

(M) Motor vehicles re-titled by an insurance company in connection with an insurance claim or pursuant to Chapter 13A of this title.

(N) Any vehicle for which the certificate of title issued is a scrap title issued pursuant to § 50-2705.

(O) Repealed.

(P) Vehicles for which a District of Columbia title is being issued to the lienholder because of repossession or was re-issued to the owner after repossession.

(Q) Vehicles designated as non-repairable or salvage pursuant to Chapter 13A of this title [§ 50-1331.01 et seq.].

(k)(1) Any unattended motor vehicle found parked at any time upon any public highway of the District of Columbia against which there are 2 or more unpaid notices of infraction or vehicle conveyance fees that the owner was deemed to have admitted or that were sustained after a hearing, pursuant to § 50-2303.05, § 50-2303.06, or § 50-2209.02, or against which there have been issued 2 or more warrants may, by or under the direction of a law enforcement officer or member of the Metropolitan Police force or the United States Park Police force or an employee of the District of Columbia Department of Transportation, either by towing or otherwise, be removed or conveyed to and impounded in any place designated by the Mayor or immobilized in such manner as to prevent its operation; except, that no such vehicle shall be immobilized by any means other than by the use of a device or other

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mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

(2) The notice, reclamation, and disposition procedures set forth in §§ 50-2421.06 through 50-2421.10, shall apply to any vehicle impounded pursuant to this section. In any case involving immobilization of a vehicle pursuant to this subsection, such member or law enforcement officer or employee shall cause to be placed on such vehicle, in a conspicuous manner, notice sufficient to warn any individual to the effect that such vehicle has been immobilized and that any attempt to move such vehicle might result in damage to such vehicle.

(3) Repealed.

(4) The owner of an immobilized vehicle shall be subject to a booting fee of \$75 for such immobilization.

(5) Before the removal of an immobilization mechanism on a motor vehicle or the release of a motor vehicle from impoundment, the owner shall pay all outstanding fees, charges, civil fines, or penalties incurred pursuant to this section and §§ 50-1401.01, 50-1401.02, 31-2413(b)(2)(A), 50-1101, 50-1106, 50-1501.02, 50-1501.03, 50-2301.05, 50-2303.04a, and 50-2421.09(a), against the owner or any motor vehicle in which the owner has an ownership interest or had an ownership interest when a notice of infraction was issued.

(l) The Director of the Department of Motor Vehicles may establish a fee discount of up to 10% on any service obtained through the telephone, Internet, mail, or other method that does not involve an in-person visit to the Department. This subsection shall not apply to the payment of the motor vehicle title tax.

(Mar. 3, 1925, 43 Stat. 1121, ch. 443, § 6; July 3, 1926, 44 Stat. 814, ch. 739, § 4; Feb. 27, 1931, 46 Stat. 1424, ch. 317, §§ 3, 4; Dec. 19, 1932, 47 Stat. 750, ch. 5; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; July 2, 1945, 59 Stat. 313, ch. 222; May 27, 1949, 63 Stat. 128, title III, ch. 146, § 301; Oct. 28, 1949, 63 Stat. 972, title XI, ch. 782, § 1106(a); July 24, 1956, 70 Stat. 633, ch. 695, § 1; Sept. 2, 1957, 71 Stat. 598, Pub. L. 85-273, § 3; Oct. 3, 1962, 76 Stat. 742, Pub. L. 87-745, § 1; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21; Sept. 30, 1966, 80 Stat. 856, Pub. L. 89-610, title II, § 201; 1967 Reorg. Plan No. 3, 81 Stat. 980, § 503(c); Dec. 4, 1967, 81 Stat. 532, Pub. L. 90-172, § 1; Oct. 31, 1969, 83 Stat. 172, 174, Pub. L. 91-106, titles II, IV, §§ 201, 404; Dec. 12, 1969, 83 Stat. 343, Pub. L. 91-145, § 101; July 29, 1970, 84 Stat. 570, 583, Pub. L. 91-358, title I, §§ 155(a), 163(g)(2); Dec. 15, 1971, 85 Stat. 657, Pub. L. 92-196, title VII, § 705; Oct. 21, 1972, 86 Stat. 1015, Pub. L. 92-518, title III, § 301(a); Nov. 1, 1973, 87 Stat. 531, Pub. L. 93-145, § 101; Oct. 21, 1975, D.C. Law 1-23, title I, § 102, 22 DCR 2094; Jan. 22, 1976, D.C. Law 1-42, § 7(b), 22 DCR 6317; June 15, 1976, D.C. Law 1-70, title II, § 201, 23 DCR 536; Apr. 19, 1977, D.C. Law 1-124, title I, § 102, 23 DCR 8749; Apr. 26, 1977, D.C. Law 1-133, title IV, § 402, 23 DCR 9697; Sept. 12, 1978, D.C. Law 2-104, §§ 501, 601, 25 DCR 1275; Mar. 3, 1979, D.C. Law 2-139, § 3205(l), 25 DCR 5740; Mar. 6, 1979, D.C. Law 2-157, § 5, 25 DCR 6995; Apr. 3, 1982, D.C. Law 4-97, § 5, 29 DCR 765; Sept. 14, 1982, D.C. Law 4-145, § 7,

29 DCR 3138; June 22, 1983, D.C. Law 5-14, §§ 803, 804, 30 DCR 2632; Nov. 15, 1983, D.C. Law 5-42, § 2(b), 30 DCR 4999; May 1, 1990, D.C. Law 8-103, § 2, 37 DCR 1615; Sept. 26, 1990, D.C. Law 8-170, § 2, 37 DCR 4839; Aug. 17, 1991, D.C. Law 9-30, § 4(a), 38 DCR 4215; May 5, 1992, D.C. Law 9-96, § 4(b), 38 DCR 7274; Mar. 26, 1999, D.C. Law 12-175, § 802, 45 DCR 7193; April 5, 2000, D.C. Law 13-80, § 2, 46 DCR 10463; Oct. 19, 2002, D.C. Law 14-213, § 34, 49 DCR 8140; June 5, 2003, D.C. Law 14-307, § 1706(a), 49 DCR 11664; Oct. 28, 2003, D.C. Law 15-35, § 13(b), 50 DCR 6579; Mar. 16, 2005, D.C. Law 15-239, § 2(a), 51 DCR 9600; Apr. 8, 2005, D.C. Law 15-307, § 402, 52 DCR 1700; Oct. 20, 2005, D.C. Law 16-33, § 6002, 52 DCR 7503; June 16, 2006, D.C. Law 16-129, § 2, 53 DCR 4716; June 22, 2006, D.C. Law 16-139, § 10, 53 DCR 3682; Mar. 2, 2007, D.C. Law 16-191, § 89, 53 DCR 6794; Mar. 14, 2007, D.C. Law 16-279, §§ 202(a), 401(a), 54 DCR 903; Aug. 16, 2008, D.C. Law 17-219, § 6006, 55 DCR 7598; Sept. 12, 2008, D.C. Law 17-231, § 42, 55 DCR 6758; Mar. 20, 2009, D.C. Law 17-303, § 3(b), 55 DCR 12803; Apr. 23, 2013, D.C. Law 19-272, § 2, 60 DCR 1729; Apr. 27, 2013, D.C. Law 19-266, § 102(b), 59 DCR 12957; Apr. 27, 2013, D.C. Law 19-290, § 5(a), 60 DCR 2343; June 11, 2013, D.C. Law 19-317, § 271(a), 60 DCR 2064; Dec. 24, 2013, D.C. Law 20-61, §§ 6012, 6133, 60 DCR 12472.)

Section references. — This section is referenced in § 1-636.02, § 9-1103.04, § 9-1111.15, § 34-731, § 47-2831, § 50-2201.22, § 50-2201.25, § 50-2201.27, § 50-2421.02, and § 50-2421.09.

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 substituted “\$2,500” for “\$1,000” in (d); substituted “\$500” for “\$300” in (f); substituted “a law enforcement officer” for “an officer” in (k)(1); substituted “law enforcement officer” for “officer” in (k)(2); made gender-neutral changes throughout the section; and made stylistic changes.

The 2013 amendment by D.C. Law 19-272 rewrote (j)(1) and (j)(3)(H).

The 2013 amendment by D.C. Law 19-290 substituted “motor-driven cycles” for “motorized bicycles” in (j)(3)(J).

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1,000 [\$2,500]” in (d), and for “not more than \$300 [\$500]” in (f).

The 2013 amendment by D.C. Law 20-61 substituted “registration tag or parking placard issued for the current session or by the District” for “registration tag issued by the jurisdiction represented by the member” in (c)(2); and added (k)(5).

Emergency legislation.

For temporary (90 day) amendment of section, see § 102(b) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (b), (d), (f), (j) and (k), see § 102(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 102(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see §§ 6012 and 6133 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see §§ 6012 and 6133 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-272. — Law 19-272, the “Excise Tax Amendment Act of

2012,” was introduced in Council and assigned Bill No. 19-959. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec 18, 2012, respectively. Signed by the Mayor on Jan. 22, 2013, it was assigned Act No. 19-634 and transmitted to Congress for its review. D.C. Law 19-272 became effective on April 23, 2013.

Legislative history of Law 19-290. — Law 19-290, the “Motorized Bicycle Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-995. The Bill was adopted on first and second readings on Dec. 4, 2012 and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 29, 2013, it was assigned Act No. 19-658 and transmitted to Congress for its review. D.C. Law 19-290 became effective on April 27, 2013.

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support

Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title.

Section 6011 of D.C. Law 20-61 provided that Subtitle B of Title VI of the act may be cited as the “DMV Immobilization Amendment Act of 2013”.

Section 6131 of D.C. Law 20-61 provided that Subtitle N of Title VI of the act may be cited as the “Representation Tags Amendment Act of 2013”.

Editor’s notes. — Section 5 of 46 Stat. 1429, ch. 317, effective Feb. 27, 1931, provided that all convictions under the Act shall be reported by the clerk of the court to the commissioners [Mayor] or their [his] designated agent.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-2201.04. Speeding and reckless driving.

(a) No vehicle shall be operated at a greater rate of speed than permitted by the regulations adopted under the authority of this part.

(b) A person shall be guilty of reckless driving if the person drives a vehicle upon a highway carelessly and heedlessly in willful or wanton disregard for the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger a person or property.

(b-1) A person shall be guilty of aggravated reckless driving if the person violates subsection (b) of this section and the person does one or more of the following:

(1) Operates the vehicle at a rate or speed at or greater than 30 miles per hour over the stated speed limit;

(2) Causes bodily harm or permanent disability or disfigurement to another; or

(3) Causes property damage in excess of \$1,000.

(c)(1) A person violating subsection (b) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in § 22-3571.01, or incarcerated for no more than 90 days, or both.

(2) A person violating subsection (b) of this section when the person has been convicted of a prior offense under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in § 22-3571.01, or incarcerated for no more than 180 days.

(3) A person violating subsection (b) of this section when the person has 2 or more prior convictions for offenses under subsection (b) of this section within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in § 22-3571.01, or incarcerated for no more than one year.

(c-1)(1) A person violating subsection (b-1) of this section shall, upon conviction for the first offense, be fined no more than the amount set forth in § 22-3571.01, or incarcerated for no more than 180 days, or both.

(2) A person violating subsection (b-1) of this section when the person has one or more prior convictions for offenses under subsection (b-1) within a 2-year period and is being sentenced on the current offense shall be fined no more than the amount set forth in § 22-3571.01, or incarcerated for no more than one year.

(d) Any individual violating any provision of this section, except where the offense constitutes aggravated reckless driving, shall be subject to a civil fine under the District of Columbia Traffic Adjudication Act (§ 50-2301.01 et seq.).

(e) A presumption shall exist that a reckless, careless, hazardous, or aggressive driving conviction that occurred in a foreign jurisdiction constitutes reckless driving as provided in subsection (b) of this section, unless the District can show evidence that the person met the requirements for aggravated reckless driving in subsection (b-1) of this section.

(f) The fines set forth in this section shall not be limited by § 22-3571.01.

(Mar. 3, 1925, 43 Stat. 1123, ch. 443, § 9; July 3, 1926, 44 Stat. 814, ch. 739, § 5; Feb. 27, 1931, 46 Stat. 1427, ch. 317, § 4; June 24, 1936, 49 Stat. 1901, ch. 749; Nov. 25, 1942, 56 Stat. 1023, ch. 642, § 1; Sept. 12, 1978, D.C. Law 2-104, § 601, 25 DCR 1275; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Apr. 5, 2005, D.C. Law 15-289, § 2(c), 52 DCR 1446; Apr. 27, 2013, D.C. Law 19-266, § 102(c), 59 DCR 12957; June 8, 2013, D.C. Law 19-316, § 2, 60 DCR 1713; June 11, 2013, D.C. Law 19-317, § 113(e), 60 DCR 2064.)

Section references. — This section is referenced in § 4-501, § 23-581, § 50-329.05, § 50-2201.05b, § 50-2201.27, and § 50-2302.02.

Effect of amendments.

The 2013 amendment by D.C. Law 19-266 substituted “\$2,500” for “\$1,000” in (c).

The 2013 amendment by D.C. Law 19-316 rewrote (b) and (c); added (b-1) and (c-1); substituted “aggravated reckless driving” for “reckless driving” in (d); and added (e).

The 2013 amendment by D.C. Law 19-317 added the subsection designated herein as (f).

Emergency legislation. — For temporary (90 day) amendment of section, see § 102(c) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (c), see § 102(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional

Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 102(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see § 2 of the Reckless Driving Emer-

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agency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-316. — Law 19-316, the “Reckless Driving Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-823. The Bill was adopted on first and second readings on Nov. 1, 2012, and Nov 15, 2012, respectively. Signed by the Mayor on Jan. 22, 2013, it was assigned Act No. 19-630 and transmitted to Congress for its review. D.C. Law 19-316 became effective on June 8, 2013.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor’s notes. — Section 5 of 46 Stat. 1429, ch. 317, effective Feb. 27, 1931, provided that all convictions under the Act shall be reported by the clerk of the court to the commissioners [Mayor] or their [his] designated agent.

Section 8 of D.C. Law 19-316 provided that the act shall apply as of June 1, 2013.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CASE NOTES

Applied in *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

§ 50-2201.04b. Operation of all-terrain vehicles and dirt bikes.

(a) No person shall operate at any time an all-terrain vehicle or dirt bike on public property including any public space in the District.

(b) All-terrain vehicles or dirt bikes shall not be registered with the Department of Motor Vehicles.

(c) Any individual violating any provision of this section shall upon conviction be fined not more than the amount set forth in § 22-3571.01 or imprisoned not more than 30 days, or both. All such prosecutions shall be in the Superior Court of the District of Columbia upon information filed by the Attorney General of the District of Columbia or any of his assistants in the name of the District of Columbia.

(Mar. 3, 1925, ch. 443, § 9b, as added Apr. 5, 2005, D.C. Law 15-289, § 2(d), 52 DCR 1446; Apr. 27, 2013, D.C. Law 19-266, § 102(d), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 271(b), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 substituted “\$250” for “\$1,000” in (c).

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1000 [\$250]” in (c).

Emergency legislation. — For temporary (90 day) amendment of section, see § 102(d) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (c), see § 102(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this

section, see § 102(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 pro-

vided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2201.04d. Bicyclists' use of leading pedestrian intervals.

(a) A bicyclist may cross at an intersection while following the pedestrian traffic control signal for the bicyclist's direction of travel unless otherwise directed by traffic signs or traffic control devices.

(b) A bicyclist may cross an intersection where a leading pedestrian interval is used.

(Mar. 3, 1925, ch. 443, § 9d, as added Dec. 13, 2013, D.C. Law 20-49, § 2(b), 60 DCR 15148.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-49 added this section.

Legislative history of Law 20-49. — Law 20-49, the "Bicycle Safety Amendment Act of 2013," was introduced in Council and assigned Bill No. 20-140. The Bill was adopted on first

and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-188 and transmitted to Congress for its review. D.C. Law 20-49 became effective on December 13, 2013.

§ 50-2201.05. Fleeing from scene of accident; driving under the influence of liquor or drugs. [Repealed].

Repealed.

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 10; Feb. 27, 1931, 46 Stat. 1427, ch. 317, § 4; Dec. 15, 1944, 58 Stat. 805, ch. 588; Aug. 16, 1954, 68 Stat. 732, ch. 741, §§ 7, 8; Aug. 5, 1981, D.C. Law 4-29, § 604(b)(1), 28 DCR 3081; Sept. 14, 1982, D.C. Law 4-145, §§ 5, 7, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, §§ 10, 11, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 4(c), 38 DCR 7274; Feb. 5, 1994, D.C. Law 10-68, § 32, 40 DCR 6311; May 24, 1994, D.C. Law 10-122, § 3, 41 DCR 1658; Apr. 13, 1999, D.C. Law 12-212, § 2(a), 46 DCR 5; Apr. 3, 2001, D.C. Law 13-238, § 2(a), 48 DCR 602; Oct. 16, 2006, 120 Stat. 2042, Pub. L. 109-356, § 307; Mar. 2, 2007, D.C. Law 16-195, § 8, 53 DCR 8675; Apr. 24, 2007, D.C. Law 16-306, § 228(a), 53 DCR 8610; Mar. 25, 2009, D.C. Law 17-353, § 141, 56 DCR 1117; Dec. 10, 2009, D.C. Law 18-88, § 228, 56 DCR 7413; Sept. 14, 2011, D.C. Law 19-21, § 9002, 58 DCR 6226; Apr. 27, 2013, D.C. Law 19-266, § 102(e), 59 DCR 12957.)

Section references. — This section is referenced in § 1-620.24, § 4-501, § 4-516, § 7-2502.03, § 16-801, § 23-581, § 50-2201.27, and § 50-2302.02.

Emergency legislation.

For temporary (90 day) repeal of section, see § 102(e) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary repeal of section, see § 102(e)

of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) repeal of this section, see § 102(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this sec-

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tion, see § 102(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

CASE NOTES

ANALYSIS

Instructions.

Weight and sufficiency of evidence.

Instructions.

Trial court's error in instructing jury that operating vehicle while intoxicated required lesser degree of impairment than driving under influence (DUI), when they both involved same level of impairment, and required a finding that impairment was to appreciable degree, was harmless; jury was instructed that, for OWI, defendant had to be impaired in any way or at some level, which was essentially synonymous with "appreciable," jury's questions during deliberations focused on obtaining clarity for DUI charge, for which jury never reached verdict, and jury heard testimony about conduct that demonstrated impairment that was apprecia-

ble as matter of law. *Taylor v. District of Columbia*, 2012 WL 3507654 (2012).

Weight and sufficiency of evidence.

Sufficient evidence supported defendant's conviction for fleeing from the scene of an accident after causing personal injury under D.C. Code § 50-2201.05(a)(1) where: (1) a police officer testified that the blow from the van felt like a real hard hit in football; (2) there was sufficient evidence that the driver knew he had hit the officer; (3) the driver injured the officer (however slightly), and did not stop to assist him; (4) the officer was able to identify the driver from a photo array the next day; and (5) two weeks later, the officer positively identified defendant at the scene of his arrest pursuant to the warrant. *Fadero v. United States*, 59 A.3d 1239, 2013 D.C. App. LEXIS 27 (2013).

LAW REVIEWS AND JOURNAL COMMENTARIES

Administrative Driver's License Suspension:
A Remedial Tool That Is Not In Jeopardy, 45
Am. U.L. Rev. 1151.

§ 50-2201.05a. Establishment of Ignition Interlock Device Program.

(a) Within 180 days of April 20, 2013, the Mayor shall establish an Ignition Interlock Device Program applicable to persons who have been convicted of an offense pursuant to § 50-2206.11, § 50-2206.12, or § 50-2206.14, note, or any succeeding emergency act establishing those sections in substantially similar language, or pursuant to § 50-2206.11, § 50-2206.12 or § 50-2206.14, or whose operator's permit has been revoked pursuant to § 50-1403.01(a) for driving while the person's alcohol concentration is 0.08 grams or more either per 100 milliliters of blood or per 210 liters of breath or is 0.10 grams or more per 100 milliliters of urine, or while under the influence of intoxicating liquor or any drug or any combination thereof, or while the ability to operate a vehicle is impaired by the consumption of intoxicating liquor.

(b) For the purpose of this section, "Ignition Interlock Device" means ignition equipment designed to prevent a motor vehicle from being operated by a person whose blood alcohol level exceeds the calibrated setting on the device.

(c) The Mayor shall adopt rules to implement the provisions of this section.

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 10a, as added Apr. 3, 2001, D.C. Law

13-238, § 2(b), 48 DCR 602; Apr. 20, 2013, D.C. Law 19-258, § 2, 60 DCR 1080.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-258 rewrote (a).

Legislative history of Law 19-258. — Law 19-258, the “Ignition Interlock Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-673. The Bill was adopted on

first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 9, 2013, it was assigned Act No. 19-610 and transmitted to Congress for its review. D.C. Law 19-258 became effective on Apr. 20, 2013.

§ 50-2201.05b. Fleeing from a law enforcement officer in a motor vehicle.

(a) For the purposes of this section, the term:

(1) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

(2) “Signal” means a communication made by hand, voice, or the use of emergency lights, sirens, or other visual or aural devices.

(b)(1) An operator of a motor vehicle who knowingly fails or refuses to bring the motor vehicle to an immediate stop, or who flees or attempts to elude a law enforcement officer, following a law enforcement officer’s signal to bring the motor vehicle to a stop, shall be fined not more than not more than the amount set forth in § 22-3571.01, or imprisoned for not more than 180 days, or both.

(2) An operator of a motor vehicle who violates paragraph (1) of this subsection and while doing so drives the motor vehicle in a manner that would constitute reckless driving under § 50-2201.04(b), or causes property damage or bodily injury, shall be fined not more than not more than the amount set forth in § 22-3571.01, or imprisoned for not more than 5 years, or both.

(c) It is an affirmative defense under this section if the defendant can show, by a preponderance of the evidence, that the failure to stop immediately was based upon a reasonable belief that the defendant’s personal safety is at risk. In determining whether the defendant has met this burden, the court may consider the following factors:

(1) The time and location of the event;

(2) Whether the law enforcement officer was in a vehicle clearly identifiable by its markings, or if unmarked, was occupied by a law enforcement officer in uniform or displaying a badge or other sign of authority;

(3) The defendant’s conduct while being followed by the law enforcement officer;

(4) Whether the defendant stopped at the first available reasonably lighted or populated area; and

(5) Any other factor the court considers relevant.

(d)(1) The Mayor or his designee, pursuant to § 50-1403.01, may suspend the operating permit of a person convicted under subsection (b)(1) of this section for a period of not more than 180 days and may suspend the operating permit of a person convicted under subsection (b)(2) of this section for a period of not more than 1 year.

(2) A suspension of an operator’s permit under paragraph (1) of this subsection for a person who has been sentenced to a term of imprisonment for

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a violation of subsection (b)(1) or (2) of this section shall begin following the person's release from incarceration.

(e) Prosecution for violations under this section shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia, or his or her assistants, in the Superior Court of the District of Columbia.

(Mar. 3, 1925, ch. 443, § 10b, as added Mar. 16, 2005, D.C. Law 15-239, § 2(b), 51 DCR 9600; Apr. 27, 2013, D.C. Law 19-266, § 102(f), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 271(c), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 substituted “\$12,500” for “\$5,000” in (b)(2).

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1,000” in (b)(1), and for “not more than \$5,000 [\$12,500]” in (b)(2).

Emergency legislation.

For temporary (90 day) amendment of section, see § 102(f) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 102(g) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of (b)(2), see § 102(f) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 10c, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of Pub. L. 92-519, § 10d, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 102(f) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(f) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2201.05c. Leaving after colliding.

(a) Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that his or her vehicle has been in a collision shall immediately stop and:

(1) Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;

(2) Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not

present, provide or cause another to provide identifying information and the location of the collision, to law enforcement or 911; or

(3) Where real or personal property or a wild or domestic animal, as a result of the collision, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

(b) It is an affirmative defense to a violation of subsection (a) of this section, which the defendant must show by a preponderance of the evidence, that the defendant's failure to stop or his or her failure to remain on the scene was based on a reasonable belief that his or her personal safety, or the safety of another, was at risk and that he or she called 911, or otherwise notified law enforcement, as soon as it was safe to do so, provided identifying information, provided a description of the collision, including the location of the collision or event, and followed the instructions of the 911 operator or a law enforcement officer.

(c) It is not a defense to a violation of this section that the defendant:

(1) Was intoxicated, impaired in any way, or distracted; or

(2) Was not at fault for the collision.

(d)(1)(A) A person violating subsection (a)(1) of this section shall upon conviction for the first offense be fined not more than the amount set forth in § 22-3571.01, or incarcerated for not more than 180 days, or both.

(B) A person violating subsection (a)(1) of this section when the person has a prior offense under subsection (a)(1) of this section and is being sentenced on the current offense shall be fined not more than the amount set forth in § 22-3571.01, or imprisoned not more than one year, or both.

(2)(A) A person violating subsection (a)(2) or (a)(3) of this section shall upon conviction for the first offense be fined not more than the amount set forth in § 22-3571.01, or incarcerated for not more than 30 days, or both.

(B) A person violating subsection (a)(2) or (3) of this section when the person has a prior offense under subsection (a)(2) or (a)(3) of this section and is being sentenced on the current offense shall be fined not more than the amount set forth in § 22-3571.01, or imprisoned not more than 90 days, or both.

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 10c, as added Apr. 27, 2013, D.C. Law 19-266, § 102(g), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 271(d), 59 DCR 12957.)

Section references. — This section is referenced in § 50-2206.55.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$1,000” in (d)(1)(A), for “not more than \$2,500” in (d)(1)(B), for “not more than \$250” in (d)(2)(A), and for “not more than \$500” in (d)(2)(B).

Emergency legislation. — For temporary

(90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program

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Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2201.05d. Object falling or flying from vehicle.

(a) Any person who operates or who is in physical control of a vehicle within the District who knows or has reason to believe that an object likely to cause damage has detached from, fallen, or flown from his or her vehicle shall immediately stop and:

(1) Where another person is injured, call or cause another to call 911 or call or cause another to call for an ambulance or other emergency assistance if necessary, remain on the scene until law enforcement arrives, and provide identifying information to law enforcement and to the injured person;

(2) Where real or personal property belonging to another is damaged or a domestic animal is injured, provide identifying information to the owner or operator of the property or the owner of the domestic animal or, where the owner or operator of the property or the owner of the domestic animal is not present, provide or cause another to provide identifying information and the location of the event, to law enforcement or 911; or

(3) Where real or personal property or a wild or domestic animal, as a result of the event, poses a risk to others, call or cause another to call 911 and provide identifying information, the location of the collision, and a description of the nature of the risk posed to others.

(b) It is an affirmative defense to a violation of subsection (a) of this section, which the defendant must show by a preponderance of the evidence, that the defendant's failure to stop or his or her failure to remain on the scene was based on a reasonable belief that his or her personal safety, or the safety of another, was at risk and that he or she called 911, or otherwise notified law enforcement, as soon as it was safe to do so, provided identifying information, provided a description of the event, including the location of the event, and followed the instructions of the 911 operator or a law enforcement officer.

(c) It is not a defense to a violation of this section that the defendant:

(1) Was intoxicated, impaired in any way, or distracted; or

(2) Was not at fault for the object falling from or flying from the vehicle.

(d)(1) A person violating any provision of subsection (a) of this section shall upon conviction for the first offense be fined not more than the amount set forth in § 22-3571.01, or incarcerated for not more than 60 days, or both.

(2) A person violating any provision of subsection (a) of this section when the person has a prior offense under subsection (a) of this section and is being sentenced on the current offense shall be fined not more than the amount set forth in § 22-3571.01, or imprisoned not more than 90 days, or both.

(Mar. 3, 1925, 43 Stat. 1124, ch. 443, § 10d, as added Apr. 27, 2013, D.C. Law 19-266, § 102(g), 59 DCR 12957.)

Section references. — This section is referenced in § 50-2206.55.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$500” in (d)(1) and (d)(2).

Emergency legislation. — For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(e) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2201.07. Control over park system not affected by this part.

Nothing contained in this part shall be construed to interfere with the exclusive charge and control prior to March 3, 1925, committed to the Director of the National Park Service over the park system of the District, and he or she is hereby authorized and empowered to make and enforce all regulations for the control of vehicles and traffic, and limiting the speed thereof on roads, highways, and bridges within the public grounds in the District, under his or her control, subject to the penalties prescribed in this part.

(Mar. 3, 1925, 43 Stat. 1126, ch. 443, § 16(b); July 3, 1926, 44 Stat. 835, ch. 760, § 3; Apr. 27, 2013, D.C. Law 19-266, § 102(h), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 substituted “he and she” and “his or her” for “he” and “his,” respectively.

Emergency legislation. — For temporary (90 day) repeal of section, see § 102(h) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary amendment of section, see § 102(h) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) amendment of this section, see § 102(h) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 102(h) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

PART B.

MISCELLANEOUS.

§ 50-2201.27. [Reserved].

Reserved for future codification.

(Feb. 27, 1931, 46 Stat. 1429, ch. 317, § 5.)

Editor's notes. — The act provision formerly codified at this location has been removed from the Code at the request of the Codification Counsel. See now the Editor's note under §§ 50-1403.01, 50-2201.03, 50-2201.04, and 50-2201.05.

§ 50-2201.28. Right-of-way at crosswalks.

(a) The driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within any marked crosswalk, or unmarked crosswalk at an intersection, when the pedestrian is upon the lane, or within one lane approaching the lane, on which the vehicle is traveling or onto which it is turning.

(a-1) Whenever a vehicle is stopped at a marked crosswalk at an unsignalized intersection, a vehicle approaching the crosswalk in an adjacent lane or from behind the stopped vehicle shall stop and give the right-of-way to ensure the safety of pedestrians and bicyclists before passing the stopped vehicle.

(b) A pedestrian who has begun crossing on the "WALK" signal shall be given the right-of-way by the driver of any vehicle to continue to the opposite sidewalk or safety island, whichever is nearest.

(b-1) A person on a bicycle or operating a personal mobility device upon or along a sidewalk or while crossing a roadway in a crosswalk shall have the rights and duties applicable to a pedestrian under the same circumstances; provided, that:

(1) The bicyclist or personal mobility device operator yields to pedestrians on the sidewalk or crosswalk; and

(2) Riding a bicycle on the sidewalk is permitted.

(c) Any person convicted of failure to stop and give the right-of-way to a pedestrian or of colliding with a pedestrian shall be subject to a fine of not more than the amount set forth in § 22-3571.01, or imprisonment for not more than 30 days, or both. Any person convicted of a violation of this section may be sentenced to perform community service as an alternative to, but not in addition to, any term of imprisonment authorized by this section.

(c-1) Civil fines, penalties, and fees may be imposed by the Department of Motor Vehicles as alternative sanctions for any infraction of the provisions of this section, or rules or regulations issued under the authority of this section, pursuant to Chapter 23 of this title [§ 50-2301.01 et seq.]. Adjudication of any infraction shall be pursuant to Chapter 23 of this title [§ 50-2301.01 et seq.].

(d) The Mayor of the District of Columbia ("Mayor") shall submit to the Council of the District of Columbia ("Council") a proposed plan for an extensive public information program on the rights and responsibilities of pedestrians and drivers. This proposed plan shall include proposals for increasing police enforcement of pedestrian right-of-way laws. The proposed plan shall be submitted to the Council within 90 days of October 9, 1987, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed plan, in whole or in part, by resolution within this 45-day review period, the proposed plan shall be deemed approved.

(e) Prosecution for violations under this section shall be conducted in the name of the District of Columbia by the Attorney General for the District of Columbia, or his or her assistants, in the Superior Court of the District of Columbia.

(Oct. 9, 1987, D.C. Law 7-34, § 2, 34 DCR 5316; Mar. 16, 2005, D.C. Law 15-224, § 2, 51 DCR 10533; Mar. 2, 2007, D.C. Law 16-191, § 114, 53 DCR 6794; Nov. 25, 2008, D.C. Law 17-269, § 2, 55 DCR 11015; Dec. 2, 2011, D.C. Law 19-49, § 2, 58 DCR 8945; Mar. 5, 2013, D.C. Law 19-206, § 2, 59 DCR 12505; May 1, 2013, D.C. Law 19-307, § 201, 60 DCR 2753; June 11, 2013, D.C. Law 19-317, § 273, 60 DCR 2064.)

Effect of amendments.

The 2013 amendment by D.C. Law 19-206 added (a-1) and (b-1).

The 2013 amendment by D.C. Law 19-307 rewrote (a), which read: “When official traffic-control signals are not in place or not in operation, the driver of a vehicle shall stop and give the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or unmarked crosswalk at an intersection.”

The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “of not more than \$500” in (c).

Emergency legislation.

For temporary amendment of (a), see § 201 of the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 (D.C. Act 19-635, January 19, 2013, 60 DCR 1731).

For temporary (90 days) amendment of this section, see § 273 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) safety-based traffic enforcement, see § 201 of the Safety-Based

Traffic Enforcement Congressional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Legislative history of Law 19-206. — Law 19-206, the “Pedestrian and Bicyclist Protection Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-568. The Bill was adopted on first and second readings on June 26, 2012, and Oct. 2, 2012, respectively. Signed by the Mayor on Oct. 23, 2012, it was assigned Act No. 19-486 and transmitted to Congress for its review. D.C. Law 19-206 became effective on Mar. 5, 2013.

Legislative history of Law 19-307. — See note to § 50-2201.31.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor’s notes. — Applicability of D.C. Law 19-307: Section 401(a) of D.C. Law 19-307 provided that the 2013 amendment to this section shall apply as of May 1, 2013.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2201.30. Special signs for failure to yield to pedestrians in crosswalks.

The District Department of Transportation shall develop and implement a plan to create and post special signs with the following or substantially similar notation: “D.C. Law: Failure to stop for pedestrians in crosswalk punishable by \$250 fine”. The signs shall be posted at selected District crosswalks and intersections to alert motorists of the fine for this infraction. The Director of the District Department of Transportation shall be responsible for determining which crosswalks and intersections shall have the signs.

(Nov. 25, 2008, D.C. Law 17-269, § 4, 55 DCR 11015; Sept. 26, 2012, D.C. Law 19-171, § 141, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-171 substituted “pedestrians in crosswalks” for “a pedestrian” in the section heading.

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr.

17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 50-2201.31. Signs identifying the District as a strict enforcement zone.

Within 180 days of May 1, 2013, the Mayor shall post signs identifying the entire District as a strict traffic enforcement zone and warning that automated cameras are used to enforce a wide range of moving violations. The signs shall be posted throughout the District, in locations as determined by the Mayor to be necessary or appropriate.

(May 1, 2013, D.C. Law 19-307, § 102, 60 DCR 2753.)

Emergency legislation. — For temporary (90 days) addition of this section, see § 102 of the Safety-Based Traffic Enforcement Congressional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Legislative history of Law 19-307. — Law 19-307, the “Safety-Based Traffic Enforcement Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-1013. The Bill was adopted on first and second readings on

December 4, 2012, and December 18, 2012, respectively. Enacted without signature of the Mayor on February 5, 2013, it was assigned Act No. 19-674 and transmitted to Congress for its review. D.C. Law 19-307 became effective on May 1, 2013.

Editor’s notes. — Applicability of D.C. Law 19-307: Section 401(a) of D.C. Law 19-307 provided that this section shall apply as of May 1, 2013.

§ 50-2201.32. Speed limit assessment.

(a) By November 1, 2013, the Mayor shall complete a District-wide assessment that evaluates the speed limits on the District’s arterials and other streets. The report of the assessment shall include the criteria used for assessing the speed limits. Upon its completion, the assessment shall be posted to the District Department of Transportation’s website. The assessment shall identify a list of recommended speed limits for all District streets based on each of the following independent approaches:

(1) Utilize factors common among transportation officials for the determination of speed limit;

(2) Use factors based on safety and mobility needs of pedestrians, bicyclists, transit drivers and all other potential road users, as well as factors based on input from local neighborhood representatives and organizations that promote road safety including Advisory Neighborhood Commissions, the Pedestrian Advisory Council, and the Bicycle Advisory Council;

(3) Evaluate whether comparable arterials should have comparable speed limits, and similarly do so for other streets; and

(4) Include, based solely on an engineering perspective, speed limits for the District’s arterials and other streets.

(b) By January 1, 2014, the Mayor shall revise, through rulemaking, existing speed limits throughout the District, as appropriate. Notwithstanding this requirement, the Mayor shall not cause an anti-deficiency as determined

by a fiscal impact statement obtained by the Mayor from the Chief Financial Officer.

(May 1, 2013, D.C. Law 19-307, § 104, 60 DCR 2753.)

Emergency legislation. — For temporary (90 days) addition of this section, see § 104 of the Safety-Based Traffic Enforcement Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Legislative history of Law 19-307. — See note to § 50-2201.31.

Editor's notes. — Applicability of D.C. Law 19-307: Section 401(a) of D.C. Law 19-307 provided that this section shall apply as of May 1, 2013.

§ 50-2201.33. Emergency speed-limit changes. [Repealed].

Repealed.

(May 1, 2013, D.C. Law 19-307, § 105, 60 DCR 2753; Dec. 24, 2013, D.C. Law 20-61, § 6002, 60 DCR 12472.)

Emergency legislation. — For temporary (90 days) repeal of this section, see § 6002 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) repeal of this section, see § 6002 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 50-2201.03.

Short title. — Section 6001 of D.C. Law 20-61 provided that Subtitle A of Title VI of the act may be cited as the “Safety-Based Traffic Enforcement Fine Reduction Amendment Act of 2013”.

Editor's notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Subchapter II. Negligent Homicide.

§ 50-2203.01. Negligent homicide.

Any person who, by the operation of any vehicle in a careless, reckless, or negligent manner, but not wilfully or wantonly, shall cause the death of another, including a pedestrian in a marked crosswalk, or unmarked crosswalk at an intersection, shall be guilty of a felony, and shall be punished by imprisonment for not more than 5 years or by a fine of not more than the amount set forth in § 22-3571.01 or both.

(Mar. 3, 1901, ch. 854, § 802(a); June 17, 1935, 49 Stat. 385, ch. 266; June 25, 1936, 49 Stat. 1921, ch. 804; Apr. 1, 1942, 56 Stat. 190, ch. 207, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 8, 1963, 77 Stat. 77, Pub. L. 88-60, § 1; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 160(a)(3); Sept. 14, 1982, D.C. Law 4-145, § 8, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 14, 29 DCR 5753; Oct. 9, 1987, D.C. Law 7-34, § 3, 34 DCR 5316; June 11, 2013, D.C. Law 19-317, § 274, 60 DCR 2064.)

Section references. — This section is referenced in § 50-2203.02, § 50-2203.03, § 50-2206.51, and § 50-2302.02.

Effect of amendments. — The 2013

amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “of not more than \$5,000”.

Emergency legislation. — For temporary

§ 50-2205.01 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

(90 days) amendment of this section, see § 274 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Subchapter III. Driving While Under the Influence of Alcohol.

§ 50-2205.01. Prima facie evidence of intoxication; relevant evidence of use of intoxicating liquor. [Repealed].

Emergency legislation. — For temporary (90 days) amendment of this subchapter, see § 103(a)-(d) and (e)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

Editor's notes. — Section 103(a) and (e)(1) of D.C. Law 19-266 designated D.C. Law 4-145, §§ 2 and 3 as Subtitle A of Title I of the act.

Section 103(b) of D.C. Law 19-266 designated D.C. Law 4-145, §§ 4 to 11 as Title II of the act.

Section 103(c) of D.C. Law 19-266 designated D.C. Law 4-145, §§ 12 and 13 as Title III of the act.

Section 103(d) of D.C. Law 19-266 designated D.C. Law 4-145, § 14 as Title IV of the act.

§ 50-2205.02. Evidence of intoxication. [Repealed].

Repealed.

(Sept. 14, 1982, D.C. Law 4-145, § 2, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-714, §§ 4, 5, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 2(a), 38 DCR 7274; Feb. 5, 1994, D.C. Law 10-68, § 33, 40 DCR 6311; Apr. 13, 1999, D.C. Law 12-212, § 5, 46 DCR 5; Mar. 2, 2007, D.C. Law 16-195, § 2, 53 DCR 8675; Dec. 10, 2009, D.C. Law 18-88, § 229, 56 DCR 7413; Apr. 27, 2013, D.C. Law 19-266, § 103(e)(2)(A), 59 DCR 12957.)

Emergency legislation.

For temporary (90 day) repeal of section, see § 103(e)(2)(A) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 days) codification of D.C. Law 4-145, §§ 2 and 3 (§§ 50-2205.02 and 50-2205.03), as Part A of this subchapter, entitled "Impaired Operating or Driving," see § 103(a) and (e)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) codification of D.C. Law 4-145, §§ 4 to 11 as Title II of the act, see § 103(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) codification of D.C. Law 4-145, §§ 12 and 13 as Title III of the act, see § 103(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) codification of D.C. Law 4-145, § 14 as Title IV of the act, see § 103(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) repeal of this section, see § 103(e)(2)(A) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) repeal of this section, see § 103(e)(2)(A) of the Comprehensive

Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) codification of D.C. Law 4-145, §§ 2 and 3 (§§ 50-2205.02 and 50-2205.03), as Subtitle A of Title I of the act, see § 103(a) and (e)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) codification of D.C. Law 4-145, §§ 4 to 11 as Title II of the act, see § 103(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) codification of D.C. Law 4-145, §§ 12 and 13 as Title III of the act,

see § 103(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) codification of D.C. Law 4-145, § 14 as Title IV of the act, see § 103(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) repeal of this section, see § 103(e)(2)(A) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2205.03. Admissibility of test results. [Repealed].

Repealed.

(Sept. 14, 1982, D.C. Law 4-145, § 3, 29 DCR 3138; Mar. 9, 1983, D.C. Law 4-174, § 6, 29 DCR 5753; May 5, 1992, D.C. Law 9-96, § 2(b), 38 DCR 7274; Apr. 27, 2013, D.C. Law 19-266, § 103(e)(2)(B), 59 DCR 12957.)

Emergency legislation. — For temporary (90 day) repeal of section, see § 103(e)(2)(B) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary (90 day) addition of sections, see § 103(e)(2)(C), (e)(3) of Comprehensive Impaired Driving and Alcohol Testing Program Emergency Amendment Act of 2012 (D.C. Act 19-429, July 30, 2012, 59 DCR 9387).

For temporary repeal of section, see § 103(e)(2)(B) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, § 3a, see § 103(e)(2)(C) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, §§ 3b through 3i, codified as Part B of this subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, §§ 3j through 3o, codified as Part C of this

subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary addition of D.C. Law 4-145, §§ 3p through 3x, codified as Part D of this subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2012 (D.C. Act 19-508, October 26, 2012, 59 DCR 13325).

For temporary (90 days) repeal of this section, see § 103(e)(2)(B) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary addition of D.C. Law 4-145, §§ 3p through 3x, codified as Part D of this subchapter, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 103(e)(2)(B) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Subchapter III-A. Impaired Operating or Driving.

PART A.

DEFINITIONS.

§ 50-2206.01. Definitions.

For the purposes of this subchapter, the term:

(1) “Active metabolite” means an active form of a drug after it has been processed by the body.

(2) “Alcohol” means a liquid, gas, or solid, containing ethanol from whatever source or by whatever processes produced, whether or not intended for human consumption.

(3) “Chemical test” or “chemical testing” means any qualitative or quantitative procedure which is designed to demonstrate the existence or absence of a chemical compound or chemical group. Any handheld and portable breath testing instrument, otherwise known as a roadside breath test, is excluded from this definition.

(4) “Commercial vehicle” means a vehicle used to transport passengers or property:

(A) If the vehicle has a gross vehicle weight rating of greater than 26,000 pounds or a lesser rating as determined by federal regulation but not less than a gross vehicle weight rating of 10,001 pounds;

(B) If the vehicle is designed to transport more than 15 passengers, including the driver;

(C) If the vehicle is a locomotive or a streetcar;

(D) If the vehicle is used to transport a material found to be hazardous by the Mayor in accordance with Chapter 14 of Title 8 [§ 8-1401 et seq.], or by the Secretary of Transportation in accordance with the Hazardous Materials Transportation Act, approved January 3, 1975 (88 Stat. 2156; 49 U.S.C. § 1801 et seq.); or

(E) If the vehicle is a vehicle for hire.

(5) “Court” means the Superior Court of the District of Columbia, except when used in the definition of “prior offense” when it shall also include courts of other jurisdictions.

(6) “Drug” means any chemical substance that affects the processes of the mind or body, including but not limited to a controlled substance as defined in § 48-901.02(4), and any prescription or non-prescription medication.

(7) “Highway” means any street, road, or public thoroughfare, or the entire width between the boundary lines of every publicly or privately maintained way, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

(8) “Impaired” means a person’s ability to operate or be in physical control of a vehicle is affected, due to consumption of alcohol or a drug or a combination thereof, in a way that can be perceived or noticed.

(9) “Intoxicated” means:

(A) Except as provided in subparagraph (B) of this paragraph, that:

(i) An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.10 grams or more per 100 milliliters of the person’s urine; or

(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

(B) If operating or in physical control of a commercial vehicle, that:

(i) An alcohol concentration at the time of testing of 0.04 grams or more per 100 milliliters of the person’s blood or per 210 liters of the person’s breath, or of 0.08 grams or more per 100 milliliters of the person’s urine; or

(ii) Any measurable amount of alcohol in the person’s blood, urine, or breath if the person is under 21 years of age.

(10) “Law enforcement officer” means a sworn member of the Metropolitan Police Department or a sworn member of any other police force operating in the District of Columbia.

(11) “Mandatory-minimum term of incarceration” means a term of incarceration which shall be imposed and cannot be suspended by the court. The person shall not be released or granted probation, or granted suspension of sentence before serving the mandatory-minimum sentence.

(12) “Mayor” means the Mayor of the District of Columbia or his or her designee.

(13) “Measurable amount” means any amount of alcohol capable of being, but not required to be, measured.

(14) “Minor” means a person under the age of 18 years.

(15) “Motor vehicle” means all vehicles propelled by internal-combustion engines, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by paragraph (16) of this section, or a battery-operated wheelchair when operated by a person with a disability.

(16) “Personal mobility device” or “PMD” means a motorized propulsion device designed to transport one person or a self-balancing, 2 non-tandem wheeled device, designed to transport only one person with an electric propulsion system, but does not include a battery-operated wheelchair.

(17) “Prior offense” means any guilty plea or verdict, including a finding of guilty in the case of a juvenile, for an offense under District law or a disposition in another jurisdiction for a substantially similar offense which occurred before the current offense regardless of when the arrest occurred. The term “prior offense” does not include an offense where the later of any term of incarceration, supervised release, parole, or probation ceased or expired more than 15 years before the arrest on the current offense.

(18) “Specimen” means that quantity of a person’s blood, breath, or urine necessary to conduct chemical testing to determine alcohol or drug content. A single specimen may be comprised of multiple breaths into a breath test

instrument if necessary to complete a valid breath test, or a single blood draw or single urine sample regardless of how many times the blood or urine sample is tested.

(19) "This subchapter" includes all lawful regulations issued thereunder by the Council of the District of Columbia and all lawful rules issued thereunder by the Mayor of the District of Columbia or his designated agent.

(20) "Traffic" includes not only motor vehicles but also all vehicles, pedestrians, and animals, of every description.

(21) "Vehicle" includes any appliance moved over a highway on wheels or traction tread, including street cars, draft animals, and beasts of burden.

(22) "Vehicle for hire" means:

(A) Any motor vehicle operated in the District by a private concern or individual as an ambulance, funeral car, sightseeing vehicle, or for which the rate is fixed solely by the hour;

(B) Any motor vehicle operated in the District by a private concern used for services including transportation paid for by a hotel, venue, or other third party;

(C) Any motor vehicle used to provide transportation within the District between fixed termini or on a schedule, including vehicles operated by the Washington Metropolitan Area Transit Authority or other public authorities, not including rental cars; or

(D) Any other vehicle that provides transportation for a fee not operated on a schedule or between fixed termini and operating in the District, including taxicabs, limousines, party buses, and pedicabs.

(23) "Watercraft" means a boat, ship, or other craft used for water transportation, as well as water skis, an aquaplane, a sailboard, or a similar vessel.

(Sept. 14, 1982, D.C. Law 4-145, § 3a, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(2)(C), 59 DCR 12957.)

Section references. — This section is referenced in § 1-620.24, § 1-620.33, § 24-211.23, § 48-921.02a, § 50-1301.37, and § 50-1403.01.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(2)(C) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(2)(C) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Editor's notes. — As amended by D.C. Law 19-266, this section had two subdivisions designated as (2), but no subdivision (4). Consequently, the second subdivision (2) and subdivision (3) were redesignated as (3) and (4), respectively.

Section 103(a) and (e)(1) of D.C. Law 19-266 designated D.C. Law 4-145, §§ 2 and 3 as Subtitle A of Title I of the act.

Section 103(b) of D.C. Law 19-266 designated D.C. Law 4-145, §§ 4 to 11 as Title II of the act.

Section 103(c) of D.C. Law 19-266 designated D.C. Law 4-145, §§ 12 and 13 as Title III of the act.

Section 103(d) of D.C. Law 19-266 designated D.C. Law 4-145, § 14 as Title IV of the act.

PART B.

OPERATING A VEHICLE.

§ 50-2206.11. Driving under the influence of alcohol or a drug.

No person shall operate or be in physical control of any vehicle in the District:

- (1) While the person is intoxicated; or
- (2) While the person is under the influence of alcohol or any drug or any combination thereof.

(Sept. 14, 1982, D.C. Law 4-145, § 3b, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1905, § 50-2201.05a, § 50-2206.13, § 50-2206.15, § 50-2206.51, § 50-2206.54, § 50-2206.55, and § 50-2206.56.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.12. Driving under the influence of alcohol or a drug; commercial vehicle.

No person shall operate or be in physical control of any commercial vehicle in the District:

- (1) While the person is intoxicated; or
- (2) While the person is under the influence of alcohol or any drug or any combination thereof.

(Sept. 14, 1982, D.C. Law 4-145, § 3c, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1905, § 50-2201.05a, § 50-2206.13, § 50-2206.15, § 50-2206.17, § 50-2206.51, § 50-2206.54, § 50-2206.55, and § 50-2206.56.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.13. Penalties for driving under the influence of alcohol or a drug.

(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of § 50-2206.11 or § 50-2206.12 shall upon conviction for the first offense be fined \$1,000, or incarcerated for not more than 180 days, or both; provided, that:

(1) A 10-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

(2) A 15-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine; or

(3) A 20-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

(4) A 15-day mandatory-minimum term of incarceration shall be imposed if the person's blood or urine contains a Schedule I chemical or controlled substance as listed in § 48-902.04, Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

(b) A person violating any provision of § 50-2206.11 or § 50-2206.12 when the person has a prior offense under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both; provided, that a 10-day mandatory-minimum term of incarceration shall be imposed, and in addition :

(1) A 15-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

(2) A 20-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or more than 0.32 grams per 100 milliliters of urine; or

(3) A 25-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

(4) A 20-day mandatory-minimum term of incarceration shall be imposed if the person's blood or urine contains a Schedule I chemical or controlled substance as listed in § 48-902.04, Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

(c) A person violating any provision of § 50-2206.11 or § 50-2206.12 when the person has 2 or more prior offenses under § 50-2206.11, § 50-2206.12, or

§ 50-2206.14 and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$10,000, or incarcerated for not more than one year, or both; provided, that a 15-day mandatory-minimum term of incarceration shall be imposed, and in addition:

(1) A 20-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was at least 0.20 grams per 100 milliliters of blood or per 210 liters of breath, or was at least 0.25 grams per 100 milliliters of urine; or

(2) A 25-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was more than 0.25 grams per 100 milliliters of blood or per 210 liters of breath or 0.32 grams per 100 milliliters of urine; or

(3) A 30-day mandatory-minimum term of incarceration shall be imposed if the person's alcohol concentration was more than 0.30 grams per 100 milliliters of blood or per 210 liters of breath or 0.39 grams per 100 milliliters of urine; and

(4) A 25-day mandatory-minimum term of incarceration shall be imposed if the person's blood or urine contains a Schedule I chemical or controlled substance as defined in § 48-902.04, Phencyclidine, Cocaine, Methadone, Morphine, or one of its active metabolites or analogs.

(d) An additional 30-day mandatory-minimum term of incarceration shall be imposed for each additional violation of any one or more provisions of § 50-2206.11 or § 50-2206.12 if the person has 3 prior offenses under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense.

(e) The fines set forth in this section shall not be limited by § 22-3571.01.

(Sept. 14, 1982, D.C. Law 4-145, § 3d, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 113(f)(1), 59 DCR 12957.)

Section references. — This section is referenced in § 50-2206.17.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 added (e).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(1) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C.

Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2206.14. Operating a vehicle while impaired.

No person shall operate or be in physical control of any vehicle in the District

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while the person's ability to operate or be in physical control of a vehicle is impaired by the consumption of alcohol or any drug or any combination thereof.

(Sept. 14, 1982, D.C. Law 4-145, § 3e, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1905, § 50-2201.05a, § 50-2206.13, § 50-2206.15, § 50-2206.54, § 50-2206.55, and § 50-2206.56.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.15. Penalty for operating a vehicle while impaired.

(a) Except as provided in subsections (b) and (c) of this section, a person violating § 50-2206.14 shall upon conviction for the first offense be fined \$500, or incarcerated for not more than 90 days, or both.

(b) A person violating any provision of § 50-2206.14 when the person has a prior offense under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense shall be fined not less than \$1,000 and not more than \$2,500, or incarcerated for not more than one year, or both; provided, that a 5-day mandatory-minimum term of incarceration shall be imposed.

(c) A person violating any provision of § 50-2206.14 when the person has 2 or more prior offenses under § 50-2206.11, § 50-2206.12, or § 50-2206.14 and is being sentenced on the current offense shall be fined not less than \$1,000 and not more than \$5,000, or incarcerated for not more than one year, or both; provided, that a 10-day mandatory-minimum term of incarceration shall be imposed.

(d) The fines set forth in this section shall not be limited by § 22-3571.01.

(Sept. 14, 1982, D.C. Law 4-145, § 3f, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 113(f)(2), 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 added (d).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(2) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program

Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2206.16. Operating under the influence of alcohol or a drug; horse-drawn vehicle.

(a) No person shall operate or be in the physical control of any horse-drawn vehicle while under the influence of alcohol or any drug or any combination thereof.

(b) A person violating the provisions of this section shall, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01, or be incarcerated for not more than 90 days, or both.

(c) Civil penalties and fees may be imposed as alternative sanctions for any violation of this section in accordance with the procedures under Chapter 14 of Title 8 [§ 8-1401 et seq.].

(Sept. 14, 1982, D.C. Law 4-145, § 3g, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 272, 60 DCR 2064.)

Section references. — This section is referenced in § 50-2206.54 and § 50-2206.55.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “\$500” in (b).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 272 of the Criminal Fine Propor-

tionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2206.17. Additional penalty for driving under the influence of alcohol or a drug; commercial vehicle.

A person violating any provision of § 50-2206.12 shall, in addition to any applicable penalty under section § 50-2206.13, be subject to an additional 5 day mandatory-minimum term of incarceration.

(Sept. 14, 1982, D.C. Law 4-145, § 3h, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

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Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.18. Additional penalty for impaired driving with a minor in vehicle.

(a) A person convicted of any offense under this part who, at the time of operation or physical control of the vehicle had a minor, other than him or herself, in the vehicle, shall, in addition to any applicable penalty under this part:

(1) Be fined a minimum of \$500 and not more than \$1,000 per minor; and

(2) Be incarcerated for a mandatory-minimum term of incarceration of:

(A) 5 days per minor if the minor or minors are restrained in, or by, an age-appropriate child passenger-safety restraint; or

(B) 10 days per minor if the minor or minors are not restrained in, or by, an age-appropriate child passenger-safety restraint.

(b) The fines set forth in this section shall not be limited by § 22-3571.01.

(Sept. 14, 1982, D.C. Law 4-145, § 3i, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 113(f)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 redesignated the existing provisions as (a); and added (b).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(3) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C.

Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

PART C.

OPERATING A WATERCRAFT.

§ 50-2206.31. Operating under the influence of alcohol or a drug; watercraft.

No person shall operate or be in physical control of any watercraft in the District:

- (1) While the person is intoxicated; or
- (2) While the person is under the influence of alcohol or any drug or any combination thereof.

(Sept. 14, 1982, D.C. Law 4-145, § 3j, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1911, § 50-2206.32, § 50-2206.34, § 50-2206.51, and § 50-2206.54.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.32. Penalties for operating watercraft under the influence of alcohol or a drug.

(a) Except as provided in subsections (b) and (c) of this section, a person violating any provision of § 50-2206.31 shall upon conviction for the first offense be fined \$1,000, or incarcerated for not more than 180 days, or both.

(b) A person violating any provisions of § 50-2206.31 when the person has a prior offense under § 50-2206.31 or § 50-2206.33 and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both.

(c) A person violating any one or more provisions of § 50-2206.31 when the person has 2 or more prior offenses under § 50-2206.31 or § 50-2206.33 and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$10,000, or incarcerated for not more than one year, or both.

(d) The fines set forth in this section shall not be limited by § 22-3571.01.

(Sept. 14, 1982, D.C. Law 4-145, § 3k, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 113(f)(4), 59 DCR 12957.)

Section references. — This section is referenced in § 50-1911.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this

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section.

The 2013 amendment by D.C. Law 19-317 added (d).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(4) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2206.33. Operating a watercraft while impaired.

No person shall operate or be in physical control of any watercraft in the District while the person's ability to operate a watercraft in the District is impaired by the consumption of alcohol or any drug or any combination thereof.

(Sept. 14, 1982, D.C. Law 4-145, § 3l, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Section references. — This section is referenced in § 50-2206.32, § 50-2206.34, and § 50-2206.54.

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.34. Penalties for operating watercraft while impaired.

(a) Except as provided in subsections (b) and (c) of this section, a person violating § 50-2206.33 shall upon conviction for the first offense be fined \$250, or incarcerated for not more than 30 days, or both.

(b) A person violating § 50-2206.33 when the person has a prior offense under § 50-2206.31 or § 50-2206.33 and is being sentenced on the current offense shall be fined not more than \$2,500, or incarcerated for not more than 180 days, or both.

(c) A person violating § 50-2206.33 when the person has 2 or more prior offenses under § 50-2206.31 or § 50-2206.33 and is being sentenced on the current offense shall be fined not less than \$2,500 and not more than \$5,000, or incarcerated for not more than one year, or both.

(d) The fines set forth in this section shall not be limited by § 22-3571.01.

(Sept. 14, 1982, D.C. Law 4-145, § 3m, as added Apr. 27, 2013, D.C. Law

19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 113(f)(5), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 added (d).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(5) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2206.35. Harbor Master public awareness campaign.

The Harbor Master shall be directly responsible for enforcing this part and shall ensure that the public is made aware of the District's aggressive enforcement policy through a continual public awareness campaign.

(Sept. 14, 1982, D.C. Law 4-145, § 3n, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.36. Additional penalty for impaired operating with a minor in the watercraft.

A person convicted of any offense under this part who, at the time of operation or physical control of the watercraft had a minor, other than him or herself, in the watercraft, shall, in addition to any applicable penalty under this part, be fined a minimum of \$500 and not more than \$1,000 per minor, and be incarcerated a mandatory-minimum term of incarceration of 5 days per minor. The fines set forth in this section shall not be limited by § 22-3571.01.

(Sept. 14, 1982, D.C. Law 4-145, § 3o, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 11, 2013, D.C. Law 19-317, § 113(f)(6), 59 DCR 12957.)

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Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-317 added the last sentence.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(6) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-317. — See note to § 50-2201.03.

Editor's notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

PART D.

ENFORCEMENT.

§ 50-2206.51. Evidence of impairment.

(a) If as a result of the operation or the physical control of a vehicle, or a watercraft, a person is tried in any court of competent jurisdiction within the District of Columbia for operating or being in physical control of a vehicle, or a watercraft, while under the influence of alcohol in violation of § 50-2206.11, § 50-2206.12, or § 50-2206.31, negligent homicide in violation of § 50-2203.01, or manslaughter committed in the operation of a vehicle in violation of § 22-2105, and in the course of the trial there is received, based upon chemical tests, evidence of alcohol in the defendant's blood, breath, or urine, such evidence shall:

(1) If the defendant's alcohol concentration at the time of testing was less than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or 0.06 grams or less per 100 milliliters of urine, establish a rebuttable presumption that the person was not, at the time, under the influence of alcohol.

(2) If the defendant's alcohol concentration at the time of testing was 0.05 grams or more per 100 milliliters of blood or per 210 liters of breath or more than 0.06 grams of per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine, constitute prima facie proof that the person was, at the time, under the influence of alcohol.

(b) The rebuttable presumption contained in subsection (a)(1) of this section shall not apply if:

(1) There is evidence that the person is impaired by a drug;

(2) The defendant was operating or in physical control of a commercial vehicle; or

(3) The defendant, at the time of arrest, was under the age of 21.

(Sept. 14, 1982, D.C. Law 4-145, § 3p, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.52. Admissibility of chemical test results.

(a) Evidence from breath tests shall not be admitted in a criminal proceeding unless compliance with the following criteria has been shown:

(1) The breath test instrument on which the breath test was conducted was operated by either a certified breath test operator or certified technician;

(2) A certified breath test operator or certified technician observed the administration of the breath test and determined that no contamination by mouth alcohol occurred;

(3) A reference standard was analyzed in conjunction with the subject analyses, and the analytical results of the reference standard agreed with the predicted value within the acceptable range set by regulation pursuant to § 5-1501.07;

(4) Duplicate breath specimens were collected from the person and the analytical results of the paired breath specimens were within the acceptable range set by regulation pursuant to § 5-1501.07;

(5) The breath test instrument analytically demonstrates the absence of ethanol before the testing of each breath specimen;

(6) Analytical results are expressed in grams of alcohol per 210 liters of breath (g/210L); and

(7) The instrument on which the breath test was conducted had been tested within 180 days before the breath test and had been found to be accurate.

(b)(1) Records of maintenance, set by regulation pursuant to § 5-1501.07, shall be admissible in any proceeding as evidence of the operating condition of the breath test instrument at the time of the person's breath test.

(2) Records of maintenance demonstrating that the instrument was in proper operating condition at the time of the person's test shall be prima facie evidence that the instrument was functioning properly.

(c) The inability of any person to obtain either the manufacturer's schematics or software for a quantitative breath testing device shall not affect the admissibility of the results of a breath test pursuant to this section.

(Sept. 14, 1982, D.C. Law 4-145, § 3q, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; Apr. 20, 2013, D.C. Law 19-260, § 4(a), 60 DCR 1292.)

Section references. — This section is referenced in § 50-2206.52a and § 50-2206.52b.

Effect of amendments. — The 2013 amendment by D.C. Law 19-260 rewrote this

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section.

The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-260. — Law 19-260, the “Breath Test Admissibility in Crim-

inal Proceedings Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-828. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 9, 2013, it was assigned Act No. 19-612 and transmitted to Congress for its review. D.C. Law 19-260 became effective on Apr. 20, 2013.

Legislative history of Law 19-266. — See note to § 50-2201.02.

Editor’s notes. — Section 5 of D.C. Law 19-260 provided that the act shall apply as of the effective date of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), which became D.C. Law 19-266, effective April 27, 2013.

§ 50-2206.52a. Presence or testimony of person maintaining breath test instrument in a criminal proceeding.

(a) The record of a breath test is admissible in court as prima facie evidence of the amount of grams of alcohol per 210 liters of a person’s breath without the testimony of the persons responsible for maintaining the breath test instrument’s proper operating condition if:

(1) The criteria in § 50-2206.52(a) have been met;

(2) The record of a breath test is provided to the person, or his or her counsel, within 15 calendar days of arraignment or notice of appearance of counsel, whichever is later; and

(3) There are more than 30 calendar days between the date the breath test is provided to the person, or his or her counsel, and the trial date.

(b)(1) Notwithstanding subsection (a) of this section, a person may demand the presence of the persons responsible for maintaining the breath test instrument’s proper operating condition to provide evidence in the government’s case-in-chief by serving upon the government, in writing, his or her request for the live testimony of the persons responsible for maintaining the breath test instrument’s proper operating condition no later than 15 calendar days before trial.

(2) A person’s failure to file a timely request pursuant to paragraph (1) of this subsection shall constitute a waiver of the person’s right to demand the presence of the persons responsible for maintaining the breath test instrument’s proper operating condition to provide evidence in the government’s case-in-chief.

(c) For the purposes of this section, the term “record of a breath test” means the analytical results of a breath test administered on:

(1) A breath test instrument operated by the Metropolitan Police Department that has been certified as accurate pursuant to § 5-1507; or

(2) A breath test instrument operated by other law enforcement agencies that has been certified as accurate by the persons designated by that agency to certify the accuracy of the instrument.

(Sept. 14, 1982, D.C. Law 4-145, § 3q-1, as added Apr. 20, 2013, D.C. Law 19-260, § 4(b), 60 DCR 1292.)

Section references. — This section is referenced in § 50-2206.52b.

Effect of amendments. — The 2013 amendment by D.C. Law 19-260 added this section.

Legislative history of Law 19-260. — See note to § 50-2206.52.

Editor's notes. — Section 5 of D.C. Law

19-260 provided that the act shall apply as of the effective date of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), which became D.C. Law 19-266, effective April 27, 2013.

§ 50-2206.52b. Notification regarding admissibility of breath test results in a criminal proceeding.

Any person upon whom a breath specimen is collected shall be informed, in writing, of the provisions of §§ 50-2206.52 and 50-2206.52a at the time that person is charged.

(Sept. 14, 1982, D.C. Law 4-145, § 3q-2, as added Apr. 20, 2013, D.C. Law 19-260, § 4(b), 60 DCR 1292.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-260 added this section.

Legislative history of Law 19-260. — See note to § 50-2206.52.

Editor's notes. — Section 5 of D.C. Law 19-260 provided that the act shall apply as of

the effective date of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), which became D.C. Law 19-266, effective April 27, 2013.

§ 50-2206.52c. Admissibility of chemical test results for a criminal proceeding; blood or urine.

The results of chemical testing pertaining to blood or urine used to determine whether the person's specimens contained alcohol or a drug or any combination thereof may be admissible as evidence in a criminal proceeding if the chemical testing was performed at a forensic laboratory, hospital, other equivalent medical facility, or at a laboratory contracted by a hospital or medical facility to perform chemical testing for specimens supplied by the hospital or equivalent medical facility.

(Sept. 14, 1982, D.C. Law 4-145, § 3q-3, as added Apr. 20, 2013, D.C. Law 19-260, § 4(b), 60 DCR 1292.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-260 added this section.

Legislative history of Law 19-260. — See note to § 50-2206.52.

Editor's notes. — Section 5 of D.C. Law 19-260 provided that the act shall apply as of

the effective date of the Comprehensive Impaired Driving and Alcohol Breath Testing Program Amendment Act of 2012, signed by the Mayor on October 24, 2012 (D.C. Act 19-489; 59 DCR 12957), which became D.C. Law 19-266, effective April 27, 2013.

§ 50-2206.53. Prosecution and diversionary program.

(a) The Attorney General of the District of Columbia, or his or her assis-

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tants, shall prosecute violations of this subchapter, in the name of the District of Columbia.

(b) The Attorney General may request that a person who is charged with a violation of any provision of this subchapter, as a condition to acceptance into a diversion program in lieu of prosecution, pay the District of Columbia or its agents a reasonable fee for the costs to the District of the person's participation in the diversion program; provided, that:

(1) The Attorney General shall set the fee by rule and at a level which the Attorney General determines will not unreasonably discourage persons from entering the diversion program;

(2) The Attorney General may reduce or waive the fee if the Attorney General finds that the person is indigent; and

(3) The Mayor shall determine the provider, the content, and eligibility requirements for any diversion program.

(Sept. 14, 1982, D.C. Law 4-145, § 3r, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.54. Assessment of alcohol or drug abuse and treatment.

Any person convicted of violating sections § 50-2206.11, § 50-2206.12, § 50-2206.14, § 50-2206.16, § 50-2206.31, or § 50-2206.33 who has prior offense under sections § 50-2206.11, § 50-2206.12, § 50-2206.14, § 50-2206.16, § 50-2206.31, or § 50-2206.33, shall have his or her alcohol or drug abuse history assessed and a treatment program prescribed as appropriate.

(Sept. 14, 1982, D.C. Law 4-145, § 3s, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.55. Revocation of permit or privilege to drive.

(a) The Mayor or his or her designated agent shall revoke the operator's permit or the privilege to drive a motor vehicle in the District of Columbia, or revoke both such permit and privilege, of any person who is convicted or adjudicated a juvenile delinquent as a result of the commission in the District of any of the following offenses:

(1) A violation of sections § 50-2206.11, § 50-2206.12, § 50-2206.14, or § 50-2206.16;

(2) A homicide committed by means of a motor vehicle;

(3) A violation of § 50-2201.05c or § 50-2201.05d;

(4) Aggravated reckless driving;

(5) Operating or being in physical control of a vehicle while intoxicated or impaired by the consumption of alcohol or a drug or any combination thereof where such operation or physical control leads to bodily injury; or

(6) Any felony in the commission of which a motor vehicle is involved.

(b) Whenever a judgment of conviction of any offense set forth in subsection (a) of this section has become final, the clerk of the court in which the judgment was entered shall certify such conviction to the Mayor or his or her designated agent, who shall thereupon take the action required by subsection (a) of this section. A judgment of conviction shall be deemed to have become final for the purposes of this subsection if:

(1) No appeal is taken from the judgment, upon the expiration of the time within which an appeal could have been taken; or

(2) An appeal is taken from the judgment, the date upon which the judgment, having been sustained, can no longer be appealed from or reviewed on a writ of certiorari.

(Sept. 14, 1982, D.C. Law 4-145, § 3t, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957; June 8, 2013, D.C. Law 19-316, § 6, 60 DCR 1713.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

The 2013 amendment by D.C. Law 19-316 substituted “Aggravated reckless driving” for “Reckless driving” in (a)(4).

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 6 of the Reckless Driving Emer-

gency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Legislative history of Law 19-316. — See note to § 50-2201.04.

Editor's notes. — Section 8 of D.C. Law 19-316 provided that the act shall apply as of June 1, 2013.

§ 50-2206.56. Impounding of vehicle; release of vehicle; liability.

(a)(1) Except as provided in paragraph (2) of this subsection, when a law enforcement officer arrests a person for a violation of § 50-2206.11, § 50-

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2206.12, or § 50-2206.14, the law enforcement officer shall cause the motor vehicle which the arrested person operated or controlled to be impounded.

(2) The law enforcement officer shall not cause the vehicle to be impounded if:

(A) A registered owner of the vehicle authorizes the law enforcement officer to release the vehicle to a person:

(i) Who is in the company of the arrested person;

(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle; and

(iii) Whom the law enforcement officer determines to be in physical condition to operate the vehicle without violating § 50-2206.11, § 50-2206.12, or § 50-2206.14;

(B) A registered owner of the vehicle:

(i) Is present to take custody of the vehicle;

(ii) Has in his or her immediate possession a valid permit to operate a motor vehicle; and

(iii) Is determined by the law enforcement officer to be in physical condition to operate the vehicle without violating § 50-2206.11, § 50-2206.12, or § 50-2206.14; or

(C) The arrested person authorizes the law enforcement officer to release the vehicle to a person:

(i) Who is not in the company of the arrested person;

(ii) Who has in his or her immediate possession a valid permit to operate a motor vehicle;

(iii) Whom the law enforcement officer determines to be in physical condition to operate the vehicle without violating § 50-2206.11, § 50-2206.12, or § 50-2206.14; and

(iv) Who shall take possession of the vehicle within a reasonable period of time from a public parking space to be determined by the arresting law enforcement officer.

(b)(1) Except as provided in paragraph (2) of this subsection or in subsection (c) of this section, an impounded vehicle shall be released:

(A) At any time to a registered owner of the vehicle, other than the arrested person; or

(B) 24 hours after the arrest, to the arrested person.

(2) No vehicle shall be released to a person unless a law enforcement officer determines that the person is in physical condition to operate a motor vehicle without violating § 50-2206.11, § 50-2206.12, or § 50-2206.14.

(3) If the law enforcement officer has a reasonable suspicion that the person is not in the physical condition required by paragraph (2) of this subsection, the law enforcement officer may direct that the person submit specimens for chemical testing to determine whether the person is impaired. The results of the tests may not be used as evidence in any criminal proceeding. If the person refuses to submit specimens for chemical tests, the law enforcement officer may determine that the person does not meet the condition of paragraph (2) of this subsection.

(c) Any motor vehicle that is impounded shall be subject to an impoundment charge of \$50, which shall be paid before the release of the motor vehicle. Any

motor vehicle that remains impounded and unclaimed for more than 72 hours shall be processed and handled as an abandoned vehicle, and shall be subject to any other charges and costs, including storage fees and relocation costs, as provided and assessed by the Mayor.

(d)(1) Except as provided in paragraph (2)(B) of this subsection, the District of Columbia and its employees may not be liable for damage to property which results from any act or omission in the implementation of any provisions of this section.

(2)(A) The District of Columbia and its employees may be liable for injury to persons which results from any act or omission in the implementation of any provisions of this section.

(B) An employee of the District of Columbia may be liable for injury to persons or damage to property which results from the gross negligence of the employee. The District of Columbia may also be liable for the resulting injury to persons or damage to property if the act or omission of the employee which constitutes gross negligence occurred while the employee was engaged in furthering the governmental interest of the District of Columbia.

(Sept. 14, 1982, D.C. Law 4-145, § 3u, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-1901.

§ 50-2206.57. Mandatory-minimum periods.

(a) A mandatory-minimum term of incarceration as provided in this subchapter shall be proven to the court by a preponderance of the evidence.

(b) A person sentenced for an offense under this subchapter may be subjected to multiple mandatory-minimum terms of incarceration. Each mandatory-minimum term of incarceration must be served consecutively, except that no combination of mandatory-minimum terms of incarceration shall exceed the maximum penalty for the offense, including any applicable enhancements.

(Sept. 14, 1982, D.C. Law 4-145, § 3v, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

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of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.58. Fines.

Notwithstanding any other provision of law, all fines imposed and collected pursuant to this subchapter during fiscal year 2006 and each succeeding fiscal year shall be transferred to the General Fund of the District of Columbia.

(Sept. 14, 1982, D.C. Law 4-145, § 3w, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

§ 50-2206.59. Effect of later repeal or amendment.

Any violation of any provision of law or regulation issued hereunder which is repealed or amended by this subchapter, and any liability arising under such provisions or regulations may, if the violation occurred or the liability arose prior to such repeal or amendment, be prosecuted to the same extent as if this subchapter had not been enacted.

(Sept. 14, 1982, D.C. Law 4-145, § 3x, as added Apr. 27, 2013, D.C. Law 19-266, § 103(e)(3), 59 DCR 12957.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-266 added this section.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Legislative history of Law 19-266. — See note to § 50-2201.02.

Subchapter V. Automated Traffic Enforcement.

PART A.

GENERAL.

§ 50-2209.01. Authorized; violations as moving violations; evidence; definition.

(a) The Mayor is authorized to use an automated traffic enforcement system

to detect moving infractions. Violations detected by an automated traffic enforcement system shall constitute moving violations. Proof of an infraction may be evidenced by information obtained through the use of an automated traffic enforcement system. For the purposes of this subchapter, the term “automated traffic enforcement system” means equipment that takes a film or digital camera-based photograph which is linked with a violation detection system that synchronizes the taking of a photograph with the occurrence of a traffic infraction.

(b) Recorded images taken by an automated traffic enforcement system are prima facie evidence of an infraction and may be submitted without authentication.

(c) An individual’s driver’s license or privilege to operate a motor vehicle in the District shall not be suspended for a violation detected by an automated traffic enforcement system for failure to:

- (1) Timely answer a notice of infraction;
- (2) Appear, without good cause, at a scheduled hearing; or
- (3) Timely pay any civil fine or penalty.

(Apr. 9, 1997, D.C. Law 11-198, § 901, 43 DCR 4569; Oct. 23, 2012, D.C. Law 19-187, § 2(a), 59 DCR 10149.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-187 added (c).

Legislative history of Law 19-187. — Law 19-187, the “Automated Traffic Enforcement Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-244. The Bill was adopted on first and second readings on June 5, 2012, and July 10, 2012, respectively.

Signed by the Mayor on August 6, 2012, it was assigned Act No. 19-440 and transmitted to Congress for its review. D.C. Law 19-187 became effective on Oct. 23, 2012.

Editor’s notes. — Because of the codification of D.C. Law 19-223, § 103 as Part B of this subchapter, the preexisting text, §§ 50-2209.01 to 50-2209.03, has been designated as Part A.

CASE NOTES

Applied in *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

§ 50-2209.02. Liability for fines; notice of infraction; hearing.

(a) Absent an intervening criminal or fraudulent act, the owner of a vehicle issued a notice of infraction shall be liable for payment of the fine assessed for the infraction.

(b) When a violation is detected by an automated traffic enforcement system, the Mayor shall mail a summons and a notice of infraction to the name and address of the registered owner of the vehicle on file with the Department of Motor Vehicles or the appropriate state motor vehicle agency. The notice shall include the date, time, and location of the violation, the type of violation detected, the license plate number, and state of issuance of the vehicle detected, and a copy of the photo or digitized image of the violation.

(c) An owner or operator who receives a citation may request a hearing which shall be adjudicated pursuant to subchapter I of Chapter 23 of this title.

(d) The owner or operator of a vehicle shall not be presumed liable for

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violations in the vehicle recorded by an automated traffic enforcement system when yielding the right of way to an emergency vehicle, when the vehicle or tags have been reported stolen prior to the citation, when part of a funeral procession, or at the direction of a law enforcement officer.

(Apr. 9, 1997, D.C. Law 11-198, § 902, 43 DCR 4569; Mar. 24, 1998, D.C. Law 12-81, § 51, 45 DCR 745; Apr. 8, 2005, D.C. Law 15-307, § 206, 52 DCR 1700; Oct. 23, 2012, D.C. Law 19-187, § 2(b), 59 DCR 10149.)

Section references. — This section is referenced in § 1-629.05, § 50-331, and § 50-2201.03.

Effect of amendments.
The 2012 amendment by D.C. Law 19-187

rewrote (a); and substituted “Department of Motor Vehicles” for “Bureau of Motor Vehicle Services” in (b).

Legislative history of Law 19-187. — See note to § 50-2209.01.

§ 50-2209.03. Agreement with private entity to provide records and services.

CASE NOTES

Applied in *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

PART B.

AUTOMATED ENFORCEMENT EXPANSION PLAN.

§ 50-2209.11. Automated enforcement expansion plan.

Not later than April 1, 2013, the Mayor shall transmit to the Council a plan for expansion of automated traffic enforcement in the District. The plan shall include:

- (1) An explanation of the plan, its goals, and the strategies to achieve the goals, such as red light, speed, fixed, and mobile;
- (2) A recommended number of automated enforcement cameras, by category, that should be deployed in the District to achieve appropriate levels of enforcement and associated traffic safety results;
- (3) A timeline for deploying the recommended number of cameras, including the number of additional cameras needed, by category and by fiscal year; and
- (4) The amount of funding necessary, in addition to what has been authorized as of the date of the plan’s publication, by fiscal year, to attain the target number of cameras.

(May 1, 2013, D.C. Law 19-307, § 103, 60 DCR 2753.)

Emergency legislation. — For temporary (90 days) addition of this section, see § 103 of the Addition of this section Congressional Review Emergency Act of 2013 (D.C. Act 20-50,

April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Legislative history of Law 19-307. — See note to § 50-2201.31.

Editor’s notes. — Applicability of D.C. Law 19-307: Section 401(a) of D.C. Law 19-307 provided that this section shall apply as of May 1, 2013.

CHAPTER 23. TRAFFIC ADJUDICATION.

<i>Subchapter I. General Provisions</i>	Sec.
Sec.	50-2302.03. Exception for serious offenders.
50-2301.02. Definitions.	<i>Subchapter III. Parking, Standing, Stopping and Pedestrian Infractions</i>
50-2301.05. Monetary sanctions.	
<i>Subchapter II. Moving Infractions</i>	50-2303.02. Exceptions for serious offenders.
50-2302.02. Exceptions.	50-2303.04a. Fleet reconciliation program.

Subchapter I. General Provisions.

§ 50-2301.01. Purposes.

Section references. — This section is referenced in § 9-1111.15, § 47-2829, § 47-2862, § 50-405.01, § 50-1501.04, § 50-2201.03, § 50-2201.04, and § 50-2201.28.

CASE NOTES

Applied in *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

§ 50-2301.02. Definitions.

For the purpose of this chapter:

- (1) The term “Department” means the Department of Motor Vehicles, established pursuant to § 50-901.
- (2) The term “Director” means the Director of the Department of Motor Vehicles or his or her designee.
- (3) The term “District” means the District of Columbia.
- (4) The term “infraction” means any conduct subject to administrative adjudication under the provisions of this chapter and with respect to which the Corporation Counsel does not commence a proceeding in the Superior Court of the District of Columbia.
- (5) The term “lessor” means any owner of a vehicle engaged in the business of renting or leasing vehicles to be used or operated in the District.
- (5A) The term “motor vehicle” means all vehicles propelled by an internal-combustion engine, electricity, or steam. The term “motor vehicle” shall not include traction engines, road rollers, vehicles propelled only upon stationary rails or tracks, personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability.
- (6) The term “operator” means:
 - (A) Any person, corporation, firm, agency, association, organization, federal, state or local governmental agency in the business of renting or leasing vehicles to be used or operated in the District;
 - (B) An owner who operates his own vehicle; or

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(C) A person who operates a vehicle owned by another.

(7) The term “owner” means:

(A) Any person, corporation, firm, agency, association, organization, federal, state or local governmental agency or other authority or other entity having the property of or title to a vehicle used or operated in the District; or

(B) Any registrant of a vehicle used or operated in the District; or

(C) Any person, corporation, firm, agency, association, organization, federal, state or local government agency or authority or other entity in the business of renting or leasing vehicles to be used or operated in the District.

(8) The term “related vehicle conveyance fee” means a vehicle conveyance fee that is related to a civil fine because the imposition of each arises from the same parking infraction.

(9) The term “vehicle conveyance fee” means the charge for moving (by towing or otherwise) an unattended vehicle parked in violation of any traffic regulation (except overtime parking of less than 24 hours) to a legal parking place, other than at an impoundment facility.

(Sept. 12, 1978, D.C. Law 2-104, § 102, 25 DCR 1275; Mar. 15, 1985, D.C. Law 5-176, § 4, 32 DCR 748; Apr. 27, 2001, D.C. Law 13-289, § 302(a), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 11, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 209, 53 DCR 10225; Mar. 20, 2009, D.C. Law 17-303, § 4(a), 55 DCR 12803.)

Section references. — This section is referenced in § 50-1621 and § 50-2201.02.

§ 50-2301.05. Monetary sanctions.

(a) The maximum monetary sanctions that may be imposed under this chapter shall be as follows:

(1) The civil fine for an infraction shall be an amount equal to the collateral or bond established for the offense, equivalent to the infraction, by the Board of Judges of the Superior Court of the District of Columbia on the day before September 12, 1978. The Mayor may issue proposed rules, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], to propose changes to the schedule of fines. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sunday, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within this 45-day review period, the proposed rules shall be deemed approved. Notwithstanding § 2-505(c), the Mayor may not amend the schedule of fines until the Council has approved the proposed rules or the proposed rules have been deemed approved.

(2) In addition to the civil fine, the following penalties may be imposed:

(A) In the case of a person receiving a notice of infraction who fails to answer such notice within the time specified by §§ 50-2302.05(d)(1) and 50-2303.05(d)(1), a penalty equal to the amount of the civil fine;

(B) In the case of a person receiving a notice of infraction who fails to answer such notice by the close of business on the date set for the hearing or who answers but fails without good cause to appear at such hearing, with

respect to infractions under subchapter II of this chapter, a penalty equal to twice the amount of the civil fine and, with respect to infractions under subchapter III of this chapter, a penalty equal to the amount of the civil fine plus \$5.

(b) A respondent may pay such fines and penalties by use of credit cards approved by the Director.

(c) The Director may permit, in his or her sole discretion, persons owing substantial fines, fees or charges to the Department to pay the amounts owed in installments at intervals as the Director may decide.

(Sept. 12, 1978, D.C. Law 2-104, § 105, 25 DCR 1275; Aug. 1, 1985, D.C. Law 6-15, § 9, 32 DCR 3570; Apr. 27, 2001, D.C. Law 13-289, § 302(c), 48 DCR 2057; Sept. 20, 2012, D.C. Law 19-168, § 1054(b)[c], 59 DCR 8025; May 1, 2013, D.C. Law 19-307, § 106, 60 DCR 2753.)

Section references. — This section is referenced in § 31-2413, § 50-1401.01, § 50-1501.02, § 50-2201.03, § 50-2207.02, § 50-2302.05, § 50-2302.06, § 50-2303.04a, § 50-2303.05, and § 50-2303.06.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 deleted the last sentence of (b), which read: “The Director may pay a reasonable percentage of monies collected to private agencies for the collection of fines, penalties and fees.”

The 2013 amendment by D.C. Law 19-307 rewrote (a)(1).

Emergency legislation. — For temporary (90 day) amendment of section, see § 1054(b) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 1054(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary addition of provisions concerning automated traffic enforcement, see §§ 101 to 105 of the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 (D.C. Act 19-635, January 19, 2013, 60 DCR 1731).

For temporary amendment of section, see § 106 of the Safety-Based Traffic Enforcement Emergency Amendment Act of 2012 (D.C. Act 19-635, January 19, 2013, 60 DCR 1731).

For temporary (90 days) addition of provisions concerning automated traffic enforce-

ment, see §§ 101 to 105 of the Safety-Based Traffic Enforcement Congressional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

For temporary (90 days) amendment of this section, see § 106 of the Safety-Based Traffic Enforcement Congressional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 19-307. — Law 19-307, the “Safety-Based Traffic Enforcement Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-1013. The Bill was adopted on first and second readings on December 4, 2012, and December 18, 2012, respectively. Enacted without signature of the Mayor on February 5, 2013, it was assigned Act No. 19-674 and transmitted to Congress for its review. D.C. Law 19-307 became effective on May 1, 2013.

Editor’s notes.

Applicability of D.C. Law 19-307: Section 401(a) of D.C. Law 19-307 provided that the 2013 amendment to this section shall apply as of May 1, 2013.

CASE NOTES

Applied in *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

Subchapter II. Moving Infractions.

§ 50-2302.01. Applicability.

Section references. — This section is referenced in § 1-629.05 and § 47-2862.

CASE NOTES

Applied in *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

§ 50-2302.02. Exceptions.

The provisions of this subchapter shall not apply to the following violations, which shall continue to be prosecuted as criminal offenses:

(1) Any felony or any misdemeanor for which the provision prohibiting the same is not codified in: (A) Title 50 of the District of Columbia Official Code; (B) Title 14 of the District of Columbia Rules and Regulations; (C) Title 32 of the District of Columbia Rules and Regulations; or (D) Highways and Traffic Regulations of the District of Columbia; provided, that upon the Mayor complying with § 2-602, and transmitting to the Council a complete and accurate draft of a District of Columbia Municipal Code, this paragraph shall stand amended upon publication of such Municipal Code to substitute in subparagraphs (B), (C) and (D) of this paragraph, the appropriate titles of such Municipal Code;

(2) Repealed;

(2A) Violation of § 50-2201.04(b-1);

(3) Violation of § 50-2203.01;

(4) Violation of § 50-2201.05(a);

(5) Violation of § 50-2201.05(b);

(6) Violation of § 50-2207.01 [repealed];

(7) Violation of § 50-1501.04;

(8) Violation of § 50-1401.01(d);

(9) Violation of § 50-1403.01(e);

(10) Violation of Commissioners' Order No. 57-1086, dated June 11, 1957 (Highway and Traffic Regulations, § 22(d)) (driving at a speed greater than 30 miles per hour in excess of the legal speed limit);

(11) Violation of § 2.401(1) of Title 32 of the District of Columbia Rules and Regulations (failure or refusal to surrender an operator's license which has been suspended, revoked or cancelled);

(12) Commission of any offense contained in Chapters VII or VIII of Title 32 of the District of Columbia Rules and Regulations;

(13) Violation of § 11.701(a) of Title 32 of the District of Columbia Rules and Regulations (tampering with a locked or secured bicycle);

(14) Violation of § 2.501 of Title 32 of the District of Columbia Rules and Regulations (acting as a driving school instructor without a license);

(15) Violation of § 2.801 of Title 32 of the District of Columbia Rules and Regulations (operating a school bus without a permit);

(16) Violation of § 5.201 of Title 32 of the District of Columbia Rules and Regulations (carrying on or conducting the business of a dealer without a registration);

(17) Violation of subsection (d) of Commissioners' Order No. 66-535, dated April 21, 1966 (Highways and Traffic Regulations, § 87(d)) (unauthorized use of emergency parking permits);

(18) Violation of § 50-1401.01(c);

(19) Violation of 18 DCMR § 2000.2; and

(20) Violation of § 50-2303.07(b).

(Sept. 12, 1978, D.C. Law 2-104, § 202, 25 DCR 1275; Oct. 8, 1981, D.C. Law 4-36, § 4(a), 28 DCR 3383; Nov. 17, 1981, D.C. Law 4-52, § 3(f), 28 DCR 4348; June 8, 2013, D.C. Law 19-316, § 3, 60 DCR 1713.)

Section references. — This section is referenced in § 50-921.04, § 50-2301.04, § 50-2302.01, and § 50-2303.01.

Effect of amendments. — The 2013 amendment by D.C. Law 19-316 repealed (2); and added (2A).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 3 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

Legislative history of Law 19-316. — Law

19-316, the “Reckless Driving Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-823. The Bill was adopted on first and second readings on Nov. 1, 2012, and Nov 15, 2012, respectively. Signed by the Mayor on Jan. 22, 2013, it was assigned Act No. 19-630 and transmitted to Congress for its review. D.C. Law 19-316 became effective on June 8, 2013.

Editor's notes.

Section 8 of D.C. Law 19-316 provided that the act shall apply as of June 1, 2013.

§ 50-2302.03. Exception for serious offenders.

(a) Except as provided in subsection (b) of this section, the provisions of this subchapter shall not apply to a person alleged to have committed an infraction who, during the 18-month period immediately preceding the date of the infraction, has been assessed 12 or more traffic points pursuant to § 2.305 of Title 32 of the District of Columbia Rules and Regulations. Such person shall be subject to criminal prosecution by the Corporation Counsel for such offense in the Superior Court of the District of Columbia and, upon conviction, shall be punished by a fine of not more than the amount set forth in § 22-3571.01 or imprisonment of up to 10 days, or both, in addition to any penalties imposed for driving after suspension or revocation.

(b) The Director shall promptly inform the Corporation Counsel of an infraction by any person who has accumulated 12 or more traffic points pursuant to subsection (a) of this section. If the Corporation Counsel asserts jurisdiction over such person, he may be prosecuted without respect to the provisions of this chapter; provided, that if the Corporation Counsel affirmatively declines to take jurisdiction or does not assert jurisdiction over such offender within 15 calendar days of his receipt of notification by the Director of a violation by such person, such violation shall be adjudicated in the manner of civil infractions pursuant to this subchapter.

(c) A person, over whom the Corporation Counsel asserts jurisdiction pursuant to this section, shall be notified that his infraction shall be subject to criminal prosecution. Such notification shall be sent by the Corporation Counsel by certified mail directed to the recorded address of such person. No

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actions or statements of the respondent made in compliance or attempted compliance with this chapter before the receipt of such notice, including but not limited to admissions or admissions with explanation, shall be admissible in any such criminal proceeding.

(Sept. 12, 1978, D.C. Law 2-104, § 203, 25 DCR 1275; June 11, 2013, D.C. Law 19-317, § 275(a), 60 DCR 2064.)

Section references. — This section is referenced in § 50-2302.01.

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “not to exceed \$300” in (a).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 275(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law 19-317, the “Criminal Fine Proportionality

Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2302.06. Hearing.

CASE NOTES

Due process.

Motorist’s application for leave to appeal an administrative adjudication, finding the motorist liable for speeding, was not wrongfully denied because the procedures for administrative adjudication of the motorist’s Automated Traffic Enforcement System case provided sufficient

due process. *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

Motorist was not denied due process because a hearing examiner did not serve as both a prosecutor and a judge, *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

Subchapter III. Parking, Standing, Stopping and Pedestrian Infractions.

§ 50-2303.02. Exceptions for serious offenders.

(a) Except as provided in subsection (b) of this section, the provisions of this subchapter shall not apply to a person alleged to have committed a parking, standing, or stopping infraction who, during the 18 months immediately preceding the date of the infraction, has been assessed in excess of \$750 in fines, including any penalties imposed by law for failure to timely pay such fines. Such person shall be subject to criminal prosecution by the Corporation Counsel for such offense in the Superior Court of the District of Columbia and, upon conviction, shall be punished by a fine of not more than the amount set forth in § 22-3571.01 or imprisonment of up to 10 days, or both, for each infraction.

(b) The Director shall promptly inform the Corporation Counsel of an infraction by any person who has accumulated in excess of \$750 in fines pursuant to subsection (a) of this section. If the Corporation Counsel asserts jurisdiction over such person, he may be prosecuted without respect to the provisions of this chapter; provided, that if the Corporation Counsel affirma-

tively declines to take jurisdiction or does not assert jurisdiction over such offender within 15 calendar days of his receipt of notification by the Director of a violation by such person, such violation shall be adjudicated as a civil infraction pursuant to this subchapter.

(c) A person over whom the Corporation Counsel asserts jurisdiction pursuant to this section shall be notified that his infraction shall be treated as a criminal matter. Such notification shall be sent by the Corporation Counsel by certified mail directed to the recorded address of such person. No actions or statements of the respondent made in compliance or attempted compliance with this chapter before the receipt of such notice, including but not limited to admissions or admissions with explanation, shall be admissible in any such criminal proceeding.

(Sept. 12, 1978, D.C. Law 2-104, § 302, 25 DCR 1275; June 11, 2013, D.C. Law 19-317, § 275(b), 60 DCR 2064.)

Section references. — This section is referenced in § 50-2303.01.

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “not to exceed \$300” in (a).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 275(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-2302.03.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2303.04a. Fleet reconciliation program.

(a) For the purposes of this section, the term:

(1) “Fleet” means 10 or more company owned or long-term leased motor vehicles, or a vehicle that was part of the fleet adjudication program, which the motor vehicle owner elects to be part of the fleet reconciliation program.

(2) “Motor vehicle fleet owner” means any corporation, firm, agency, association, organization, or other entity holding legal title to 10 or more company owned or leased motor vehicles and an owner who was part of the fleet adjudication program and elects to be part of the fleet reconciliation program.

(b) The Mayor is authorized to implement a fleet reconciliation program. The Mayor may compile notices of infraction for parking violations and for violations detected by an automated traffic enforcement system or an automated parking enforcement system, issued during a 30-day period, reconcile traffic records, and generate a consolidated monthly fleet infraction report for motor vehicle fleet owners who have registered those motor vehicles comprising a fleet. The monthly fleet infraction report shall serve as the summons and complaint.

(c) The Mayor may, by rulemaking, impose a registration fee on all motor vehicle fleet owners authorized to participate in this program. The registration fee shall recover the administrative costs associated with the administration and enforcement of this chapter with respect to fleets.

(d) To participate in the fleet reconciliation program, a motor vehicle fleet owner shall:

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- (1) Register its fleet with the Department of Motor Vehicles;
- (2) Pay a registration fee to cover the District government's administrative costs for the fleet reconciliation program; and
- (3) Satisfy all outstanding parking, moving, and automatic enforcement infractions prior to registration in the program.

(e) A fleet owner participating in the fleet reconciliation program shall pay the amount owed stated in the monthly fleet infraction report, which sets forth the date and time of the infraction and other information contained in the original notice of infraction, within 30 days of its receipt. If the amount set forth in the fleet infraction report is not paid within 30 days, the Director shall notify the owner in writing that failure to pay within 30 days of the date of the notice of failure to pay shall be grounds for removal from the program. A fleet owner shall be given notice in writing if it is being removed from the program. The effective date of the removal shall be the date that notice of removal is sent to the fleet owner. A fleet owner shall not be entitled to adjudicate any violations listed in the monthly fleet infraction report. Penalties set forth in § 50-2301.05(a)(2) are not applicable to the fleet reconciliation program. If a fleet owner is removed from the program by the Director, then the penalties set forth in § 50-2301.05(a)(2) shall immediately apply and the owner shall be responsible for any penalties that would have incurred if the vehicle had not been part of the program. A fleet vehicle shall not be subject to towing or immobilization, for failure to pay notices of infraction while part of the fleet reconciliation program. If a fleet vehicle is removed from the program, either voluntarily or as a result of removal by the Director, the vehicle shall become immediately subject to towing or immobilization if the vehicle would have been subject to towing or immobilization had it not been part of the program.

(e-1) Notwithstanding the provisions of the Driver Education Program and Fleet Program Amendment Act of 2009 [subtitle A of title VI of D.C. Law 18-111, §§ 6001 to 6003], a member of the fleet reconciliation program shall be able to adjudicate a ticket on the basis of a citation having an invalid license plate or tag number, or for a duplicate citation for the same infraction.

(f) The fleet owner shall be primarily liable for the civil penalties imposed pursuant to this section.

(Sept. 12, 1978, D.C. Law 2-104, § 304a, as added March 24, 1998, D.C. Law 12-76, § 2(a), 45 DCR 481; Apr. 27, 2001, D.C. Law 13-289, § 302(h), 48 DCR 2057; Apr. 8, 2005, D.C. Law 15-307, § 207(c), 52 DCR 1700; Mar. 14, 2007, D.C. Law 16-279, § 301(f), 54 DCR 903; Aug. 15, 2008, D.C. Law 17-217, § 2(c), 55 DCR 7513; Mar. 3, 2010, D.C. Law 18-111, § 6003, 57 DCR 181; Sept. 26, 2012, D.C. Law 19-171, § 142, 59 DCR 6190.)

Section references. — This section is referenced in § 50-2201.03.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction in (e); redesignated the subsection (f) added by D.C. Law 18-111 as (e-1); and thereby restored former (f).

Legislative history of Law 19-171. — Law

19-171, the "Technical Amendments Act of 2012," was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

*Subchapter IV. Administrative Review.***§ 50-2304.02. Right of appeal.****CASE NOTES****Review, generally.**

Motorist's application for leave to appeal an administrative adjudication, finding the motorist liable for speeding, was not wrongfully denied because the procedures for administrative

adjudication of the motorist's Automated Traffic Enforcement System case provided sufficient due process. *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

§ 50-2304.05. Judicial review.**CASE NOTES****Review, generally.**

Motorist's application for leave to appeal an administrative adjudication, finding the motorist liable for speeding, was not wrongfully denied because the procedures for administrative

adjudication of the motorist's Automated Traffic Enforcement System case provided sufficient due process. *Devita v. D.C.*, 74 A.3d 714, 2013 D.C. App. LEXIS 596 (2013).

CHAPTER 23A. AUTONOMOUS VEHICLES.

Sec.

50-2351. Definitions.

50-2352. Autonomous vehicles permitted.

50-2353. Vehicle conversion; limited liability of original manufacturer.

Sec.

50-2354. Rules.

§ 50-2351. Definitions.

For the purposes of this chapter, the term:

(1) "Autonomous vehicle" means a vehicle capable of navigating District roadways and interpreting traffic-control devices without a driver actively operating any of the vehicle's control systems. The term "autonomous vehicle" excludes a motor vehicle enabled with active safety systems or driver-assistance systems, including systems to provide electronic blind-spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane-keep assistance, lane-departure warning, or traffic-jam and queuing assistance, unless the system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without active control or monitoring by a human operator.

(2) "Driver" means a human operator of a motor vehicle with a valid driver's license.

(3) "Public roadway" means a street, road, or public thoroughfare that allows motor vehicles.

(4) "Traffic control device" means a traffic signal, traffic sign, electronic traffic sign, pavement marking, or other sign, device, or apparatus designed and installed to direct moving traffic.

(Apr. 23, 2013, D.C. Law 19-278, § 2, 60 DCR 2119.)

Legislative history of Law 19-278. — Law 19-278, the “Autonomous Vehicle Act of 2012,” was introduced in Council and assigned Bill No. 19-931. The Bill was adopted on first and second readings on Dec. 4, 2012 and Dec. 18,

2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-643 and transmitted to Congress for its review. D.C. Law 19-278 became effective on April 23, 2013.

§ 50-2352. Autonomous vehicles permitted.

An autonomous vehicle may operate on a public roadway; provided, that the vehicle:

- (1) Has a manual override feature that allows a driver to assume control of the autonomous vehicle at any time;
- (2) Has a driver seated in the control seat of the vehicle while in operation who is prepared to take control of the autonomous vehicle at any moment; and
- (3) Is capable of operating in compliance with the District’s applicable traffic laws and motor vehicle laws and traffic control devices.

(Apr. 23, 2013, D.C. Law 19-278, § 3, 60 DCR 2119.)

Legislative history of Law 19-278. — See note to § 50-2351.

§ 50-2353. Vehicle conversion; limited liability of original manufacturer.

(a) The original manufacturer of a vehicle converted by a third party into an autonomous vehicle shall not be liable in any action resulting from a vehicle defect caused by the conversion of the vehicle, or by equipment installed by the converter, unless the alleged defect was present in the vehicle as originally manufactured.

(b) The conversion of vehicles to autonomous vehicles shall be limited to model years 2009 or later or vehicles built within 4 years of conversion, whichever vehicle is newer.

(Apr. 23, 2013, D.C. Law 19-278, § 4, 60 DCR 2119.)

Legislative history of Law 19-278. — See note to § 50-2351.

§ 50-2354. Rules.

The Mayor, pursuant to subchapter I of Chapter 2 of Title 5 [§ 2-501 et seq.], shall issue rules on or before December 31, 2013, establishing a class of vehicles for autonomous vehicles and procedures and fees for the registration, titling, and issuance of permits to operate autonomous vehicles.

(Apr. 23, 2013, D.C. Law 19-278, § 5, 60 DCR 2119.)

Legislative history of Law 19-278. — See note to § 50-2351.

SUBTITLE VIII. VEHICLES ON PUBLIC AND PRIVATE SPACE.

CHAPTER 24. ABANDONED AND JUNK VEHICLE REMOVAL.

Subchapter II. Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles

Sec.
50-2421.04. Removal of abandoned and dangerous vehicles from public space; penalties.

Sec.

50-2421.09. Procedures for reclaiming impounded vehicles; lien; penalties.

50-2421.10. Disposal of unclaimed vehicles; penalties; auction admission fees.

Subchapter II. Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles.

§ 50-2421.04. Removal of abandoned and dangerous vehicles from public space; penalties.

(a) The District government, or any towing company at the direction of the Department shall remove an abandoned or dangerous vehicle parked, left, or stored on public space in violation of § 50-2421.03(1), as follows:

(1) An abandoned vehicle shall be removed 48 hours after a warning notice has been conspicuously placed on the vehicle. The warning notice shall be placed at the first sighting of a vehicle that meets the physical characteristics of an abandoned vehicle. The warning notice shall indicate the date and time it was placed and the date and time that the District is authorized to remove, impound, or dispose of the vehicle if the vehicle is not moved. The notice shall also include a statement indicating the vehicle will not be towed if the owner or other authorized person certifies to the Department that the vehicle is undergoing emergency repair. The notice shall provide a telephone number, and website if any, that will inform the owner how to accomplish the certification.

(2) A dangerous vehicle shall be immediately removed without the placement of a warning notice.

(b) If more than one basis exists for removing a vehicle, whether stated in this subchapter or in any other law or regulation, the shortest removal period shall apply, including removal without a warning notice.

(c) No vehicle shall be removed from public space pursuant to this section until a notice of infraction is conspicuously placed on the vehicle.

(d) Except as provided in this section, it shall be unlawful for any person, except the owner, a person authorized by the owner in writing, an employee of the District government in connection with the performance of official duties, or a tow crane operator who has valid authorization from the District government, to do any of the following:

(1) Tamper with, remove, or attempt to tamper with or remove any vehicle owned by another person;

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(2) Tamper with, remove, or attempt to tamper with or remove any vehicle that is on public space and to which a District government warning notice that relates to the removal of the vehicle has been affixed; or

(3) Remove, mutilate, or attempt to remove or mutilate the warning notice.

(e) Any person violating the provisions of subsection (d) of this section, shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment of not more than 90 days, or both.

(Oct. 28, 2003, D.C. Law 15-35, § 4, 50 DCR 6579; June 11, 2013, D.C. Law 19-317, § 276(a), 60 DCR 2064.)

Section references. — This section is referenced in § 50-2402.

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “of not more than \$500” in (e).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 276(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — Law

19-317, the “Criminal Fine Proportionality Amendment Act of 2012,” was introduced in Council and assigned Bill No. 19-214. The Bill was adopted on first and second readings on Oct. 16, 2012, and Nov. 1, 2012, respectively. Signed by the Mayor on Jan. 23, 2013, it was assigned Act No. 19-641 and transmitted to Congress for its review. D.C. Law 19-317 became effective on June 11, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2421.09. Procedures for reclaiming impounded vehicles; lien; penalties.

(a) An owner or lienholder, or a person duly authorized by either, may reclaim an impounded vehicle stored at a District government impoundment facility at any time prior to the expiration of the applicable reclamation period, by:

- (1) Repealed;
- (2) Repealed;
- (3) Repealed;
- (4) Making a payment in accordance with § 50-2201.03(k)(5);
- (5) Furnishing proof of entitlement to possession of the vehicle;

(6) Paying to the District government, or the towing company, as directed by the Department, a towing fee of \$100 and a storage fee of \$20 per day; provided, that the towing fee shall be \$275 and a storage fee of \$20 per day shall be imposed if the size or the weight of the impounded vehicle requires the Department or an outside contractor to use special equipment to tow the vehicle; provided further, that the towing fee shall be \$1,000 if the vehicle was impounded pursuant to a violation of 18 DCMR § 2405.3(e).

(b) Fines and penalties due for parking tickets issued to a vehicle and the towing and storage fee charges due pursuant to subsection (a)(6) of this section shall constitute a continuing lien against the impounded motor vehicle. The lien thus created shall be an automatic lien, which is perfected as of the first date that the fines, penalties, or fees are due and shall be a prior and preferred claim over all other liens.

(c) Any person who has paid a fine for parking, storing, or leaving an abandoned or dangerous vehicle on public space, and who, after reclaiming the vehicle, thereafter again parks, stores, or leaves that vehicle on public space in violation of § 50-2421.03(1), shall be prosecuted by the Office of the Corporation Counsel, and shall be punished by a fine of not more than the amount set forth in § 22-3571.01, imprisonment of not more than 90 days, or both.

(Oct. 28, 2003, D.C. Law 15-35, § 9, 50 DCR 6579; June 22, 2006, D.C. Law 16-139, § 11, 53 DCR 3682; Mar. 14, 2007, D.C. Law 16-279, § 302, 54 DCR 903; Sept. 18, 2007, D.C. Law 17-20, § 6073, 54 DCR 7052; June 11, 2013, D.C. Law 19-317, § 276(b), 60 DCR 2064; Dec. 24, 2013, D.C. Law 20-61, § 6013, 60 DCR 12472.)

Section references. — This section is referenced in § 22-2724, § 50-2201.03, and § 50-2702.

Effect of amendments.

The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not more than \$500” in (c).

The 2013 amendment by D.C. Law 20-61 rewrote (a)(4).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 276(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 6013 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6013 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-317. — See note to § 50-2421.04.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-2421.10. Disposal of unclaimed vehicles; penalties; auction admission fees.

(a) The Department may, consistent with reasonable business practices, sell or otherwise dispose of an unclaimed vehicle.

(b) If an unclaimed vehicle is sold at a public auction or through other means pursuant to subsection (a) of this section, the purchaser shall take title to the vehicle free and clear of all liens and claims of ownership by others, receive a sales receipt, and be entitled, upon application and the payment of all applicable fees, to a certificate of title and registration; provided, that all other eligibility requirements are met.

(c) The Department shall retain the proceeds of the sale or disposition of any vehicle an amount that represents reimbursement for the costs of sale, the costs of towing and storing the vehicle, the costs of furnishing notice and other related enforcement activities, the payment of such liens as were declared null and void, and the remainder shall be deposited into the General Fund.

(d) Except for vehicles enclosed on private property or located on the

property of a business engaged in the lawful repair, storage, salvage, or disposal of vehicles, any person who purchases a vehicle that has been sold for salvage only from the Department, and who, thereafter, leaves, stores, or parks the vehicle on public space or private property, shall be guilty of a misdemeanor prosecuted by the Office of the Corporation Counsel, and shall be subject to a fine for each offense of not more than the amount set forth in § 22-3571.01, imprisonment for a period not to exceed one year, or both.

(e) The Director is authorized to establish a non-refundable cost-based auction admission fee. The proceeds from this fee shall be used to offset the costs of all vehicle auctions held on the day of the auctions. The proceeds from the fee shall be deposited into the General Fund.

(Oct. 28, 2003, D.C. Law 15-35, § 10, 50 DCR 6579; Sept. 14, 2011, D.C. Law 19-21, § 9101, 58 DCR 6226; Sept. 26, 2012, D.C. Law 19-171, § 146, 59 DCR 6190; June 11, 2013, D.C. Law 19-317, § 276(c), 60 DCR 2064.)

Section references. — This section is referenced in § 22-2724 and § 50-2402.

Effect of amendments.

The 2012 amendment by D.C. Law 19-171 substituted “the day of the auctions. The proceeds from the fee” for “that day, and all proceeds in this subsection” in (e).

The 2013 amendment by D.C. Law 19-317 substituted “of not more than the amount set forth in § 22-3571.01” for “not to exceed \$5,000” in (d).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 276(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of 2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

Legislative history of Law 19-317. — See note to § 50-2421.04.

Editor’s notes. — Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

CHAPTER 25A. PERFORMANCE PARKING ZONES.

Sec.	Sec.
50-2531. Performance Parking Zones.	50-2534. Expenditure of Performance Parking Pilot Program revenue.
50-2531.01. Performance Parking Program Fund.	50-2535. Reporting requirements and oversight for each performance parking zone.
50-2532.01. H Street N.E. Performance Parking Pilot Zone.	

§ 50-2531. Performance Parking Zones.

(a) The Mayor may establish Performance Parking Zones for the purpose of managing curbside parking and reducing congestion citywide.

(b) The Mayor shall establish zone-specific parking management targets, and implement regulations, to achieve the following goals:

- (1) Protect resident parking in residential zones;
- (2) Facilitate regular parking turnover in busy commercial areas;
- (3) Promote the use of non-auto transportation; and
- (4) Decrease vehicular congestion within each zone.

(c) The Mayor may designate residential permit parking zones on currently undesignated residential blocks.

(d) Notwithstanding any other provision of law or regulation, the Mayor may employ the following to achieve the goals and targets established pursuant to subsection (b) of this section:

- (1) Set or adjust curbside parking fees;
- (2) Set or adjust the days and hours during which curbside parking fees apply;
- (3) Adjust parking fines, as needed, to dissuade illegal parking; and
- (4) Exempt vehicles displaying valid, in-zone residential permit parking stickers from meter payment, as needed.

(e) When changing curbside parking fees, the Mayor shall:

- (1) Monitor curbside parking availability rates on commercial streets to establish a need for any fee increase;
- (2) Except for fees in loading zones, not increase any fee by more than \$0.50 in any one-month period, or more than once per month; and
- (3) Except for fees in loading zones, provide notice to the affected Ward Councilmember and Advisory Neighborhood Commission (“ANC”) of any changes in curbside parking fees at least 10 days before implementation.

(f) Curbside signage, meter decals, and electronic displays shall provide sufficient notice of changes to restrictions.

(g) The Mayor shall designate a project manager who will serve as the main point of contact for the public on matters related to each performance parking zone.

(h) The Mayor shall publish a public web site that includes the following: performance parking zone boundaries, rules or regulations, information about how to use new parking fee technologies, and a project manager’s name and contact information.

(i) Repealed.

(Nov. 25, 2008, D.C. Law 17-279, § 2, 55 DCR 11059; Sept. 14, 2011, D.C. Law 19-21, § 6083(a), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(a), 59 DCR 8025.)

Section references. — This section is referenced in § 50-2532, § 50-2532.01, and § 50-2533.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 rewrote the section heading, which formerly read: “Performance Parking Pilot Program”; in (a), substituted “Performance Parking Zones” for “a Performance Parking Pilot Program” and “citywide” for “within and around established performance parking pilot zones”; deleted “performance parking pilot zone” following “achieve the following” in the introductory language of (b); substituted “The Mayor may” for “Within each performance parking pilot zone, the Mayor shall” in (c); deleted “Within each performance parking pilot zone, and” at the beginning of the introductory language of (d); in the intro-

ductory language of (e), substituted “changing” for “increasing” and deleted “within a performance parking pilot zone” following “parking fees”; deleted “within a performance parking pilot zone, except for changes to curbside parking fees pursuant to subsection (d)(1) of this section” at the end of (f); deleted “pilot” following “performance parking” in (g); and in (h), substituted “performance parking zone” for “pilot zone” and deleted “parking pilot” preceding “project manager’s.”

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act

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No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 50-2531.01. Performance Parking Program Fund.

(a)(1) There is established as a nonlapsing fund the Performance Parking Program Fund (“Fund”), which shall be used solely for the purposes set forth in § 50-2534, and shall be administered by the Director of the District Department of Transportation.

(2) Fees collected for the parking of vehicles where meters or devices are installed shall be deposited into the Fund in accordance with § 50-2603(8)(B).

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in § 50-2534 without regard to fiscal year limitation, subject to authorization by Congress.

((Nov. 25, 2008, D.C. Law 17-279, § 2a, as added Sept. 14, 2011, D.C. Law 19-21, § 6083(b), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(b), 59 DCR 8025; Dec. 24, 2013, D.C. Law 20-61, § 6032, 60 DCR 12472.)

Section references. — This section is referenced in § 50-2603.

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 rewrote (a); and added “projects within the zone from which revenues were raised for” in (b).

The 2013 amendment by D.C. Law 20-61 rewrote (a)(2); and deleted “for projects within the zone from which revenues were raised” following “continually available” in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 6032 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6032 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-168. — See note to § 50-2531.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 6031 of D.C. Law 20-61 provided that Subtitle D of Title VI of the act may be cited as the “District Department of Transportation Parking Meter Revenue Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 50-2532.01. H Street N.E. Performance Parking Pilot Zone.

(a) The H Street N.E. Performance Parking Zone is designated as the area within the following boundary: K Street, N.E., from 3rd Street, N.E., to 8th Street, N.E.; 8th Street, N.E., from K Street, N.E., to Florida Avenue, N.E.; Florida Avenue, N.E., from 8th Street, N.E., to 15th Street, N.E.; 15th Street, N.E., from Florida Avenue, N.E., to E Street, N.E.; E Street, N.E., from 15th Street N.E., to 3rd Street, N.E.; 3rd Street, N.E., from E Street, N.E., to K Street, N.E., including both sides of these boundary streets.

(b) In addition to maintaining a sufficient number of parking-control officers

and traffic-control officers in the existing performance parking zones, the Mayor shall assign parking-control and traffic-control officers for implementation of the pilot program in the H Street N.E. Performance Parking Pilot Zone and for enhanced enforcement during peak-parking-demand hours.

(c) The Mayor shall designate existing residential parking-permit-zoned blocks within the performance-parking zone as within a high-traffic generating corridor and provide increased residential-parking protections.

(d) The Mayor shall set the initial performance-parking-pilot-zone fee equal to the existing fee.

(e) Pursuant to § 50-2531(d)(1), the Mayor shall adjust fees to achieve 10% to 20% availability of curbside parking spaces.

(f) Notwithstanding any other provision of this chapter, the Mayor shall not charge curbside parking fees on District or federal holidays.

(g) Within the first 30 days of September 14, 2011, the Mayor may issue warning citations for curbside parking violations related to the pilot program in the zone.

(Nov. 25, 2008, D.C. Law 17-279, § 3a, as added Sept. 14, 2011, D.C. Law 19-21, § 6083(c), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(c), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 145, 59 DCR 6190.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 rewrote (a).

The 2012 amendment by D.C. Law 19-171 validated a previously made technical correction.

Legislative history of Law 19-168. — See note to § 50-2531.

Legislative history of Law 19-171. — Law 19-171, the “Technical Amendments Act of

2012,” was introduced in Council and assigned Bill No. 19-397. The Bill was adopted on first and second readings on Mar. 20, 2012, and Apr. 17, 2012, respectively. Signed by the Mayor on May 23, 2012, it was assigned Act No. 19-376 and transmitted to Congress for its review. D.C. Law 19-171 became effective on September 26, 2012.

§ 50-2534. Expenditure of Performance Parking Pilot Program revenue.

(a) The Performance Parking Program Fund shall be used for non-automobile transportation investments in each zone. These investments shall supplement or substantially accelerate investments that would otherwise be made by the District.

(b) The Mayor shall involve performance parking pilot zone residents, businesses, ANCs, and Ward Councilmembers in prioritizing non-automobile transportation improvements. The improvements may include:

(1) Enhancements to bus and rail facilities to improve access and level of service such as electronic real-time schedule displays outside of stations and stops, display of large, full-color bus and rail maps, bus-only and bus priority lanes, and programs to increase electronic fare payment technologies;

(2) Enhancements to increase the safety, convenience, and comfort of pedestrians, such as new or improved sidewalks, lighting, signage, benches, improved streetscapes, countdown crosswalk signals, and neighborhood traffic calming;

(3) Improvements to bicycling infrastructure, such as painted and sepa-

rated bicycle lanes, installation of public bicycle racks, and way-finding signage for bicyclists; and

(4) Improvements, which support retail and small businesses, that enhance the pedestrian and customer experience within the zone, such as clean-up and hospitality activities, public safety initiatives, and streetscape and storefront upgrades.

(c) DC Surface Transit, Inc. shall serve as an official advisory body to the District Department of Transportation for performance parking implementation within the Central Washington Area (as defined in 10 DCMR § 16), except where the Central Washington Area overlaps with preexisting performance parking zones.

(Nov. 25, 2008, D.C. Law 17-279, § 5, 55 DCR 11059; Sept. 14, 2011, D.C. Law 19-21, § 6083(d), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6042(d), 59 DCR 8025.)

Section references. — This section is referenced in § 50-2531.01.

Legislative history of Law 19-168. — See note to § 50-2531.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 rewrote (a); and added (c).

§ 50-2535. Reporting requirements and oversight for each performance parking zone.

(a) Before implementation, or upon November 25, 2008, whichever is later, the District Department of Transportation (“DDOT”) shall transmit a detailed performance parking zone plan to the Council and to the Chairs of all ANCs within a performance parking zone. The plan shall set zone-specific parking management targets and shall detail parking changes, which may include new parking restrictions and curbside parking fees.

(b) At the request of any ANC or Ward Councilmember representing all or part of a performance parking zone, DDOT shall conduct public meetings to provide an update on parking management targets and an opportunity for public comment.

(c) Repealed.

(d) The Mayor shall provide quarterly reports to the Council and make the reports available on its website detailing the following information for each performance parking zone:

(1) Quarterly revenue;

(2) Quarterly revenue associated with performance parking meter pricing;

(3) Quarterly expenditures on non-automobile transportation improvements; and

(4) The balance of funds available for additional non-automobile transportation investments.

(e) Repealed.

(Nov. 25, 2008, D.C. Law 17-279, § 6, 55 DCR 11059; Sept. 20, 2012, D.C. Law 19-168, § 6042(e), 59 DCR 8025.)

Effect of amendments. — The 2012 amendment by D.C. Law 19-168 substituted “for each performance parking zone” for “of performance parking pilot zones” in the section heading; deleted “pilot” following “performance parking” twice in the first sentence of (a); rewrote (b); repealed (c), which read: “If a performance parking pilot zone is not meeting established parking management targets after the 2nd quarter of operation, DDOT shall re-evaluate the strategies used and implement a revised plan. Within 30 days after the 2nd quarter of operation, any revised plan shall be

implemented and transmitted to the Council and ANCs, pursuant to subsection (a) of this section”; rewrote (d); and repealed (e), which read: “Sixty days before the expiration of a performance parking pilot zone, the Mayor shall produce a final report evaluating the success of the performance parking pilot zone, including recommendations for continuation of some or all aspects of the pilot program within the zone.”

Legislative history of Law 19-168. — See note to § 50-2531.

§ 50-2537. Mount Pleasant Visitor Pass Pilot Program.

Section references. — This section is referenced in § 50-2551.

Temporary legislation. — For temporary (225 days) addition of D.C. Law 17-279, § 9, prohibiting the issuance of citations to a vehicle displaying a visitor parking permit valid as of September 30, 2013, see § 2 of the Visitor Parking Pass Preservation Temporary Amendment Act of 2013 (D.C. Law 20-58, December 13, 2013, 60 DCR 15170).

For temporary (225 days) addition of D.C. Law 17-279, § 10, concerning renewal of visitor parking permits, see § 2 of the Visitor Parking Pass Preservation Temporary Amendment Act of 2013 (D.C. Law 20-58, December 13, 2013, 60 DCR 15170).

For temporary (225 days) addition of D.C. Law 17-279, § 11, prohibiting the issuance of a visitor parking permit to a residence that was ineligible to receive a visitor parking permit as

of September 15, 2013, see § 2 of the Visitor Parking Pass Preservation Temporary Amendment Act of 2013 (D.C. Law 20-58, December 13, 2013, 60 DCR 15170).

Emergency legislation. — For temporary (90 days) addition of D.C. Law 17-279, § 9, see § 2 of the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 (D.C. Act 20-172, September 30, 2013, 60 DCR 14748).

For temporary (90 days) addition of D.C. Law 17-279, § 10, see § 2 of the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 (D.C. Act 20-172, September 30, 2013, 60 DCR 14748).

For temporary (90 days) addition of D.C. Law 17-279, § 11, see § 2 of the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 (D.C. Act 20-172, September 30, 2013, 60 DCR 14748).

CHAPTER 25B. WARD 1 RESIDENTIAL PARKING.

Sec.

50-2551. Ward 1 Enhanced Residential Parking Program.

§ 50-2551. Ward 1 Enhanced Residential Parking Program.

(a) There is established a Ward 1 Enhanced Residential Parking Program (“Program”). Any Ward 1 Advisory Neighborhood Commission (“ANC”) may, by resolution of that ANC, vote to include blocks within the ANC in the Program. The Program will consist of the following requirements:

(1) Any block that participates in the residential permit parking in Ward 1 shall have at least 50% of the legal residential parking spaces on that block designated as Zone 1 Permitted Parking Only;

(2) A visitor parking pass program shall be available to residents similar to the program in Mount Pleasant required by § 50-2537; and

(3) Any resident owning a vehicle registered at an address on a Ward 1

residential block may be granted a Zone 1 residential parking sticker, in accordance with the process developed by the Mayor pursuant to § 50-2552.

(b) Blocks within a streetscape construction project impact zone, as designated by the Mayor, shall be excluded from the Program until the Mayor declares that all major construction associated with the streetscape has been completed.

(c) The Program shall not apply within one block of a ward boundary. Streets within one block of a ward boundary shall instead be designated so that vehicles displaying a valid residential permit for either adjacent ward may park on any such block that was a residential permit parking street before the institution of the Program.

(Oct. 26, 2010, D.C. Law 18-240, § 2, 57 DCR 7186; July 13, 2012, D.C. Law 19-157, § 5(a), 59 DCR 5598.)

Section references. — This section is referenced in § 50-2552.

Effect of amendments. — D.C. Law 19-157 added subsec. (c).

Legislative history of Law 19-157. — Law 19-157, the “Advisory Neighborhood Commissions Boundaries Act of 2012”, was introduced in Council and assigned Bill No. 19-528, which

was retained by the Council. The Bill was adopted on first and second readings on March 20, 2012, and May 1, 2012, respectively. Signed by the Mayor on May 15, 2012, it was assigned Act No. 19-364 and transmitted to both Houses of Congress for its review. D.C. Law 19-157 became effective on July 13, 2012.

CHAPTER 26. REGULATION OF PARKING.

Subchapter I. General Provisions

Subchapter III. Miscellaneous

Sec.	Sec.
50-2603. Power of Mayor to acquire property; construct and maintain parking facilities; dispose of property; establish rates; install parking meters; make street improvements.	50-2632. Parking of automobiles in Municipal Center; regulations; violations and penalties.
	50-2633. Parking meters. [Repealed].
	50-2635. Contractor daytime parking permit.

Subchapter I. General Provisions.

§ 50-2603. Power of Mayor to acquire property; construct and maintain parking facilities; dispose of property; establish rates; install parking meters; make street improvements.

The Mayor of the District of Columbia is authorized to exercise all powers necessary and convenient to carry out the purposes of this subchapter, the said purposes being hereby declared to be the acquisition, creation, and operation, in any manner hereinafter provided, under public regulations, of public off-street parking facilities in the District of Columbia as a necessary incident to insuring in the public interest the free circulation of traffic in and through the District of Columbia and to promoting the economic growth and stability of neighborhood commercial centers. Such powers include, but shall not be limited to, the powers hereinafter enumerated:

(1) The power to acquire any property, real or personal, or any interest therein, by purchase, lease, gift, bequest, devise, or grant, or by condemnation under the provisions of Chapter 13 of Title 16 in any area of the District. In the case of neighborhood municipal off-street parking, condemnation powers, under the provisions of Chapter 13 of Title 16 of the District of Columbia Official Code, shall not be used to acquire residential property on which there are improvements or commercial property with improvements that are in use. Before acquiring any real property for neighborhood municipal off-street parking facilities or establishing such facilities the Mayor shall hold at least 1 public hearing and request any affected advisory neighborhood commission(s) for its comments and reports within 30 days of such request. Before acquiring any area for parking facilities the Mayor shall request the National Capital Planning Commission for its recommendations and it shall be the duty of said Commission to report thereon within 30 days of such request;

(2) The power to undertake, by contract or otherwise, the clearance and improvement of any such property as well as the construction, establishment, reconstruction, alteration, repair, maintenance, and operation thereon of parking facilities; to contract, by lease or otherwise, with competitive bidding, with any individual, firm, association, or corporation, private or public, for the operation of any parking facilities for such period, not exceeding 5 years, as the Mayor shall determine, and to terminate, without prior notice, any contract in the event of any failure or omission of any party thereto to observe or enforce the rules or schedules of rates made under authority of paragraph (4) of this section. The words "such property" in this paragraph shall include, in addition to property acquired under this subchapter, any other property, heretofore or hereafter acquired by the District, until needed for the purpose for which it was acquired, or if no longer needed for the purpose for which it was acquired, or upon which parking facilities may be established without impairing its use for the purpose for which it was acquired. Before establishing any parking facilities upon the property not acquired under authority of this subchapter, the Mayor shall request the National Capital Planning Commission for its recommendations and it shall be the duty of said Commission to report thereon within 30 days of such request;

(3) The power to sell, exchange, transfer, or assign any property, real or personal, or any interest therein, acquired under authority of this subchapter, whether or not improved; provided, that such action shall be in accordance with the general law covering the disposal of such property by the District of Columbia;

(4) The power to establish and from time to time to revise, with or without public hearings, uniform schedules of rates to be charged for use of space in each such parking facility; to provide rate differentials between said parking facilities for such reasons as the amount of space occupied, the location of the facility, and other reasonable differences; and to prescribe and promulgate such rules and regulations for the carrying out of the provisions of this subchapter as may be necessary to keep said parking facilities subject at all times to public regulation, and to insure the maintenance and operation of such parking facilities in a clean and orderly manner and in such a manner as

to provide efficient and adequate service to the public. The rates to be charged for parking of motor vehicles within said parking facilities shall be fixed at the lowest possible rates, consistent with the achievement of the purposes of this subchapter, that will defray the cost of maintaining, operating, and administering the parking facilities; liquidate within such time as the Council shall determine the cost of acquiring and improving the required property for parking-facility purposes; and provide for the acquisition and improvement of other necessary parking facilities, but without any purpose of obtaining for the District any profit or surplus revenue from the operation of said parking facilities. There shall be no discrimination in rates or privileges among the members of the public using said parking facilities;

(5) The power to secure and install mechanical parking meters or parking devices on the streets, avenues, roads, highways, and other public spaces in the the District under the jurisdiction and control of the said Mayor, such meters or devices to be located at such points as the Mayor may determine, and the said Council is authorized and empowered to make and, the Mayor to enforce, rules and regulations for the control of parking of vehicles on such streets, avenues, roads, highways, and other public spaces, and as an aid to such regulation and control of the parking of vehicles the Council may prescribe fees for the parking of vehicles where meters or devices are installed;

(6) The power to lease on competitive bids for terms not exceeding 50 years, any property acquired pursuant to this subchapter, or any other property heretofore or hereafter acquired by the District if no longer needed for the purpose for which it was acquired, and to stipulate in any such lease that the lessee shall erect at his or its expense a structure or structures on the land leased, which structure or structures and property shall be used, maintained and operated for the purposes of this subchapter, including purposes incidental thereto, subject to regulation as provided in paragraph (4) of this section, except that the rates for use of space in parking facilities covered by any such lease shall be fixed and regulated by the Council so as to allow to the lessee a fair return, as fixed by the Mayor, on the cost of such structure or structures, together with an amount sufficient to amortize within the term of any such lease the cost of such structure or structures. Every such lease shall be entered into upon such terms and conditions as the Mayor shall impose including, but not limited to, requirements that such structure or structures shall conform with plans and specifications approved by the Mayor, that such structure or structures shall become the property of the District upon termination or expiration of any such lease; that the lessee shall furnish security in the form of a penal bond or otherwise to guarantee fulfillment of his or its obligations, and any other requirement which, in the judgment of the Mayor, shall be related to the accomplishment of the purposes of this subchapter;

(7) The power to use moneys in the fund established by § 50-2607 for the purpose of widening or channelizing streets or making other street improvements to correct or improve traffic conditions in the vicinity of off-street parking facilities, and to correct traffic conditions resulting from a lack or shortage of parking facilities.

(8)(A) For fiscal year 2014, and each year thereafter, 100% of the amount collected from the parking of vehicles where meters or devices are installed

shall be used in accordance with this section to fund the general operations of the Washington Metropolitan Area Transit Authority, with the exception of the portions required to be transferred to the District Department of Transportation Parking Meter Pay-by-phone Transaction Fee Fund and the DC Circulator Fund, in accordance with § 50-921.14.

(B)(i) For fiscal year 2013, \$35,264,948 shall be dedicated to paying a portion of the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority.

(ii) Other fees collected for the parking of vehicles where meters or devices are installed in excess of the portions required to be transferred to the District Department of Transportation Parking Meter Pay-by-Phone Transaction Fee Fund and the Parking Meter Fund shall be divided evenly between the Sustainable Transportation Fund established by § 50-921.15; and the Performance Parking Fund established by § 50-2531.01.

(C) Repealed.

(Feb. 16, 1942, 56 Stat. 91, ch. 76, § 3; Dec. 16, 1944, 58 Stat. 808, ch. 595, § 1; June 19, 1948, 62 Stat. 565, ch. 599; Aug. 20, 1958, 72 Stat. 686, Pub. L. 85-692, § 1; July 29, 1970, 84 Stat. 587, Pub. L. 91-358, title I, § 166(g); Sept. 26, 1980, D.C. Law 3-108, § 3(a), (b), 27 DCR 3781; Nov. 16, 2006, D.C. Law 16-175, § 4(b), 53 DCR 6499; Sept. 20, 2012, D.C. Law 19-168, §§ 6004, 6025, 59 DCR 8025; Dec. 24, 2013, D.C. Law 20-61, § 6033, 60 DCR 12472.)

Section references. — This section is referenced in § 9-1111.15, § 50-921.14, § 50-921.15, and § 50-2531.01.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 deleted “in addition to those mechanical parking meters and devices installed pursuant to the authority conferred on the said Mayor by § 50-2633” at the end of (5); and added (8).

The 2013 amendment by D.C. Law 20-61 rewrote (8)(A) and (8)(B); and repealed (8)(C).

Temporary Amendment of Section.

Section 2 of D.C. Law 19-134 added par. (8) to read as § follows:

“(8) As of October 1, 2011, all fees collected for the parking of vehicles where meters or devices are installed shall be dedicated annually to paying the District's annual operating subsidies to the Washington Metropolitan Area Transit Authority, except for fees collected in performance parking pilot zones, pursuant to the Performance Parking Pilot Zone Act of 2008, effective November 25, 2008 (D.C. Law 17-279; D.C. Official Code § 50-2531 et seq.) (‘2008 act’), and dedicated in section 5 of the 2008 act.”

Section 4(b) of D.C. Law 19-134 provided that the act shall expire after 225 days of its having taken effect.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 6033 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C.

Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 6033 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title. — Section 6031 of D.C. Law 20-61 provided that Subtitle D of Title VI of the act may be cited as the “District Department of Transportation Parking Meter Revenue Amendment Act of 2013”.

Editor's notes.

Applicability of D.C. Law 20-61: Section 6036

of D.C. Law 20-61 provided that § 6033(b) of the act, which amended § 50-2603(8)(B), shall apply as of June 26, 2013. Section 11001 of D.C.

Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

Subchapter III. Miscellaneous.

§ 50-2632. Parking of automobiles in Municipal Center; regulations; violations and penalties.

(a) The Council of the District of Columbia is authorized, in its discretion, to permit such officers and employees of the District of Columbia government as the Council may select to park motor vehicles in any building or buildings now or hereafter erected upon squares no. 490, 491, and 533, and reservation no. 10, in the District of Columbia, known as the Municipal Center, and to make regulations, which the Mayor shall enforce, for the control of the parking of such vehicles, including the authority to prescribe fees and charges, which the Mayor shall collect, for the privilege of parking of such vehicles.

(b) The Council is further authorized, in its discretion, to permit the public to park motor vehicles in such portion or portions of squares no. 490, 491, and 533, and reservation no. 10, in the District of Columbia, known as the Municipal Center, as may be set apart by the said Council for such purpose, and to make such regulations, which the Mayor shall enforce, as the Council may deem advisable for the control of parking in such portion or portions of the Municipal Center as the Council may set apart for such purpose, including authority to restrict the privilege of parking therein to persons having business in the Municipal Center, and to make regulations, which the Mayor shall enforce, to prohibit parking in all portions of the Municipal Center not set apart by the Council for such purpose. The Council is further authorized in its discretion, to prescribe fees and charges, which the Mayor shall collect, for the privilege of parking motor vehicles in such portion or portions of the Municipal Center as may be set apart for such purpose, and, to aid in the collection of such fees and charges and the enforcement of such regulations, the Mayor may install mechanical parking meters or devices.

(c) The Council is further authorized to prescribe reasonable penalties of fine not more than the amount set forth in § 22-3571.01 or imprisonment not to exceed 10 days for the violation of any regulation promulgated under the authority of this section.

(June 6, 1940, 54 Stat. 241, ch. 253, §§ 1, 2, 3; June 11, 2013, D.C. Law 19-317, § 277, 60 DCR 2064.)

Effect of amendments. — The 2013 amendment by D.C. Law 19-317 substituted “not more than the amount set forth in § 22-3571.01” for “not to exceed \$25” in (c).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 277 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 19-317. — See note to § 50-1501.04.

Editor’s notes.

Applicability of D.C. Law 19-317: Section 401 of D.C. Law 19-317 provided that the act shall apply only to offenses committed on or after June 11, 2013.

§ 50-2633. Parking meters. [Repealed].

Repealed.

(April 4, 1938, 52 Stat. 192, ch. 62, § 11; Apr. 8, 2011, D.C. Law 18-370, § 628, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 6082, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 6003, 59 DCR 8025.)

Section references. — This section is referenced in § 9-1111.15.

Legislative history of Law 19-168 — Law 19-168, the “Fiscal Year 2013 Budget Support Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted

on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

§ 50-2635. Contractor daytime parking permit.

(a) The District Department of Transportation (“DDOT”) shall establish a contractor daytime parking permit program (“Program”) pursuant to the requirements of this section.

(b) Under the Program, a commercial vehicle, as defined by section 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1), shall be able to obtain a contractor daytime parking permit (“CDP permit”) allowing the vehicle to be parked at a legal, on-street parking space designated for residential permit parking pursuant to sections 2411, 2412, and 2413 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2411, 2412, 2413) from 7:00 a.m. until 5:00 p.m. for the purposes of construction, maintenance, or repairs conducted at a single-family residence or a residence with fewer than 4 housing units.

(c) Only a contractor with an appropriate business or professional license, whichever is required for the contractor to do business in the District, may purchase a CDP permit.

(d) DDOT shall sell CDP permits to licensed contractors through:

- (1) Electronic or phone-based systems;
- (2) Booklets of tickets registered to a contractor, as opposed to a specific vehicle; and
- (3) Other means selected by DDOT.

(e) A CDP permit shall be valid for one day only and shall expire at 5 p.m. on the date for which the permit is issued.

(f) The fee for a CDP permit shall be \$10 per day, plus applicable service fees; provided, that DDOT may adjust this fee by rule.

(g) Fees collected from the issuance of CDP permits shall be used to administer the program and shall be paid into the DDOT Enterprise Fund for Transportation Initiatives, established under § 50-921.13.

(h) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed disapproved.

(i) One year from the date that CDP permits are first available for purchase, the Mayor shall transmit a report to the Council evaluating the Program's performance, including an evaluation of possible abuse of the Program.

(Apr. 20, 2013, D.C. Law 19-254, § 2, 60 DCR 984.)

Legislative history of Law 19-254. — Law 19-254, the "Neighborhood Contractor Daytime Parking Permit Act of 2012," was introduced in Council and assigned Bill No. 19-607. The Bill was adopted on first and second readings on

Dec. 4, 2012, and Dec. 18, 2012, respectively. Signed by the Mayor on Jan. 10, 2013, it was assigned Act No. 19-590 and transmitted to Congress for its review. D.C. Law 19-254 became effective on Apr. 20, 2013.

TITLE 51. SOCIAL SECURITY.

Chapter
1. Unemployment Compensation.

CHAPTER 1. UNEMPLOYMENT COMPENSATION.

<i>Subchapter I. General</i>	Sec.
Part A	51-107. Determination of amount and duration of benefits.
Administration of The District Unemployment Fund	51-111. Determination of claims; hearing; appeal; witness fees.
Sec.	51-112. Review of Board's decision.
51-103. Employer contributions.	51-119. Penalties for false statements or representations.
51-104. Payment of employer contributions.	

Subchapter I. General.

PART A.

ADMINISTRATION OF THE DISTRICT UNEMPLOYMENT FUND.

§ 51-101. Definitions.

Section references. — This section is referenced in § 51-103, § 51-106, § 51-107, § 51-108, § 51-109, § 51-110, § 51-113, and § 51-171.

CASE NOTES

ANALYSIS

Employer.
—Temporary staffing agency, employer.

Employer.

— Temporary staffing agency, employer.

For purposes of determining eligibility for unemployment compensation, employee of temporary staffing firm voluntarily left her employment when she ceased working for it to take an

assignment with employer's competitor, even though she never formally resigned from the firm, but instead registered with and took a work assignment from another temp agency, where during the time she was assigned to assignment by competitor, she performed no services for her original employer and neither earned nor received compensation from original employer. *Pyne v. MB Staffing Servs., LLC*, 39 A.3d 1258, 2012 D.C. App. LEXIS 128 (2012).

§ 51-103. Employer contributions.

(a) Each employer who employs 1 or more individuals in any employment shall for each month, beginning with the month of January 1936, and ending December 31, 1939, pay contributions equal to the following percentages of the total wages payable (regardless of the time of payment) with respect to such employment by him during such month:

(1) With respect to employment during the calendar year 1936, the rate shall be 1%;

(2) With respect to employment during the calendar year 1937, the rate shall be 2%;

(3) With respect to employment during the calendar years 1938 and 1939, the rate shall be 3%.

(b) Each employer shall pay contributions equal to 2.7% of wages paid by him during the calendar year 1940 and thereafter with respect to employment after December 31, 1939. After December 31, 1978, each employer shall pay contributions at the rate in effect for the current year as provided by subsections (c)(3), (c)(4)(B), and (c)(8)(A) of this section.

(c)(1) The Director shall maintain a separate account for each employer, and shall credit his account with all of the contributions paid by him after June 30, 1939, with respect to employment subsequent to May 31, 1939; provided, that contributions received after July 1, 1981, by reason of the solvency tax set forth in paragraph (4)(B)(ii) of this subsection shall not be credited to the separate account of each employer. Each year the Director shall credit to each of such accounts having a positive reserve on the computation date, the interest earned from the federal government in the following manner: Each year the ratio of the credit balance in each individual account to the total of all the credit balances in all employer accounts shall be computed as of such computation date, and an amount equal to the interest credited to the District's account in the Unemployment Trust Fund in the Treasury of the United States for the 4 most recently completed calendar quarters shall be credited prior to the next computation date on the pro rata basis to all employers' accounts having a credit balance on the computation date. Such amount shall be prorated to the individual accounts in the same ratio that the credit balance in each individual account bears to the total of the credit balances in all such accounts. In computing the amount to be credited to the account of an employer as a result of interest earned by funds on deposit in the Unemployment Trust Fund in the Treasury of the United States to the account of the District, any voluntary contribution made by an employer after June 30th of any year shall not be considered a part of the account balance of the employer until the next computation date occurring after such voluntary contribution was made. Nothing in this subchapter shall be construed to grant any employer or individual in his service prior claims or rights to the amounts paid by him into the Fund either on his own behalf or on behalf of such individuals.

(2)(A) Benefits paid to an individual with respect to any week of unemployment which was based on an initial claim filed after June 30, 1939, and before July 1, 1940, shall be charged against the account of his most recent employer. Benefits paid to an individual on an initial claim for benefits filed after June 30, 1940, shall be charged against the accounts of his base period employers, except as specifically provided by subparagraphs (B), (C), (D), and (E) below. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wages paid to the individual by such employer bear to the total amount of the base period wages paid to the individual by all of his base period employers. All base period employers whose accounts could be charged with benefits paid to an individual with respect to a claim made pursuant to this subchapter shall be given notice of potential charges.

(B) After December 31, 1971, benefits paid to an individual for any week during which he is attending a training or retraining course under the provision of § 51-110(d)(2) shall not be charged against such employer accounts, except that this subparagraph shall not apply to employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(C) After December 31, 1971, extended benefits paid to an exhaustee under the provisions of § 51-107(g) shall not be charged against such employer accounts, except that this provision shall not apply to employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(D) Commencing with the first full calendar quarter following the effective date of this subchapter, but no earlier than January 1, 1979, benefits paid to an individual subsequent to a disqualification imposed under the provisions of § 51-110(a) or (b) shall not be charged against such employer accounts, except that this provision shall not apply to employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(E) Benefits paid to an individual with respect to any week of unemployment during which the individual is a continuing part-time employee of an employer other than the separating employer shall not be charged to the continuing employer's account, except this provision shall not apply to those employers who have elected to make payments in lieu of contributions under subsection (f) or (h) of this section.

(F) Commencing with overpayments of benefits established after September 30, 2013, no employer shall be relieved of benefit charges for payments made from the District Unemployment Fund if the charges resulted from benefit payments made because the employer or the employer's agent was at fault for failing to respond timely or adequately to the request of the Director for information relating to the claim for benefits and the employer or agent has established a pattern of failing to respond timely or adequately to such requests unless the Director finds such failure was for good cause.

(3)(A) After January 1, 1983, each employer newly subject to this subchapter shall pay contributions at a rate equal to the average rate on taxable wages of all employers for the preceding 12-month period ending June 30th (rounded to the next higher tenth of 1%) or 2.7%, whichever is higher, until he has been an employer for a sufficient period to meet the requirement to qualify for a reduced rate based on experience as provided in paragraph (4) of this subsection.

(B) Employers electing to become liable for payments in lieu of contributions shall make payments pursuant to subsection (h) of this section.

(4)(A) After December 31, 1978, contribution rates of all employers whose accounts could have been charged with benefits paid throughout the 36-consecutive-calendar-month period ending on the computation date applicable to such year or part thereof shall be determined in accordance with the provisions of subparagraph (B) of this paragraph.

(B)(i) If the balance of the Fund referred to in § 51-106 as of September 30, in any calendar year exceeds 3% of the total payrolls of employers subject

to contributions under this subchapter on the preceding June 30, Table I in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(ii) If the balance of the Fund as of September 30 in any calendar year shall be greater than 2.5% but not in excess of 3% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table II in subsection (c)(8)(A) of this section shall be used to compute the rates for employers pursuant to subparagraph (A) of this paragraph.

(iii) If the balance of the Fund as of September 30 in any calendar year shall be greater than 2% but not in excess of 2.5% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table III in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(iv) If the balance of the Fund on September 30 of any calendar year shall be greater than 1.5% but not in excess of 2% of the total payrolls subject to contributions on the preceding June 30, Table IV in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(v) If the balance of the Fund on September 30 of any calendar year shall be greater than .8% but not in excess of 1.5% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table V in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph.

(vi) If the balance of the Fund on September 30 of any calendar year shall not be greater than .8% of the total payrolls of employers subject to contributions under this subchapter on the preceding June 30, Table VI in subsection (c)(8)(A) of this section shall be used to compute employer rates pursuant to subparagraph (A) of this paragraph.

(C) When the Director finds that the continuity of an employer's employment experience has been interrupted solely by reason of 1 or more of the owners, officers, managers, partners, or majority stockholders of such employer's employing enterprise having served in the armed forces of the United States of America or any of its allies during a time of war, such employer's employment experience shall be deemed to have been continuous throughout the period that such individual or individuals so served in such armed forces, including the period up to the time it again resumes the status of an employer liable for contributions under this subchapter, provided it resumes such status within 2 years from the date of discharge of such individual or individuals or from the date of the termination of such war, whichever date is the earlier. For the purposes of this subparagraph, in determining an employer's contribution rate his average annual payroll shall be the average of his last 3 annual payrolls.

(5) The Director shall for any uncompleted portion of the calendar year beginning July 1, 1943, and for each calendar year thereafter classify employers in accordance with their actual experience in the payment of contributions and with respect to benefits charged against their accounts, except as provided in subsection (c)(3) of this section. Each employer's contribution rate for each

subsequent year or part thereof shall be calculated on the basis of his records filed with the Director and benefit payments disbursed through the applicable computation date. The Director shall compute rates for the second 6 months of 1963 for all employers first acquiring the necessary 12 months' benefit experience under subsection (c)(4)(A) of this section on the computation date June 30, 1963. Such rates shall be based upon such employer's experience in the payment of contributions and benefits charged against his account through June 30, 1963, prior to the crediting of his account with Trust Fund interest. All employers issued a rate for the second 6 months of 1963, under this subsection, shall have a computation date of September 30, 1963, for the calendar year 1964.

(6) If, as of the date such classification of employers is made, the Director finds that an employing unit has failed to file any report in connection therewith, or has filed a report which the Director finds incorrect or insufficient, the Director shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to it at the time, and notify the employing unit thereof by registered mail addressed to its last-known address. Unless such employing unit shall file the report or a correct or sufficient report, as the case may be, within 15 days after the mailing of such notice, the Director shall compute such employing unit's rate of contribution on the basis of such estimates, and the rates so determined shall be subject to increase, but not to reduction, on the basis of subsequently ascertained information.

(7)(A) After December 31, 2005, if any employer transfers all or a portion of its trade or business to another employer, the transferee shall be determined a successor for the purposes of this section.

(i) If the Director is unable to get information upon which to determine what portion of the business has been transferred, the Director may, in the Director's discretion, make such determination based upon the quarterly payrolls of the employers involved for the last complete calendar quarter prior to the transfer and the first complete calendar quarter after such transfer.

(ii) In the event of a transfer of a portion of the assets of a covered employer's business by any means whatever, otherwise than in the ordinary course of trade, such transfer shall be deemed a transfer of business and shall constitute the transferee a successor hereunder, unless the director, on the Director's own motion or on application of an interested party, finds that all of the following conditions exist:

- (I) The transferee has not assumed any of the transferor's obligations;
- (II) The transferee has not continued or resumed transferor's goodwill;
- (III) The transferee has not continued or resumed the business of the transferor, either in the same establishment or elsewhere; and
- (IV) The transferee has not employed substantially the same employees as those the transferor had employed in connection with the assets transferred.

(B) The successor, if not already subject to this section, shall become an

“employer” subject hereto on the date of such transfer, and shall accordingly become liable for contributions hereunder from and after said date.

(C) The successor shall take over and continue the employer’s account, including its reserve and all other aspects of its experience under this section, in proportion to the payroll assignable to the transferred business as determined for the purposes of this section by the Director. However, his successor shall take over only the reserve actually credited to the account of the transferor or for which the transferor has filed a claim with the Director at the date of transfer. The successor shall be secondarily liable for any amounts owed by the employer to the Fund at the time of such transfer; but such liability shall be proportioned to the extent of the transfer of business and shall not exceed the value of the assets transferred.

(D) The benefit chargeability of a successor’s account under subsection (c) of this section, if not accrued before the transfer date, shall begin to accrue on the transfer date in case the transferor’s benefit chargeability was then accruing; or shall begin to accrue on the date otherwise applicable to the successor, or on the date otherwise applicable to the transferor, whichever is earlier, in case the transferor’s benefit chargeability was not accruing on the transfer date. Similarly, benefits from a successor’s account, if not chargeable before the transfer date, shall become chargeable on the transfer date, in case the transferor was then chargeable for benefit payments; or shall become chargeable on the date otherwise applicable to the successor or on the date otherwise applicable to the transferor, whichever is earlier, in case the transferor was chargeable for benefit payments on the transfer date.

(E) The account taken over by the successor employer shall remain chargeable with respect to accrued benefit and related rights based on employment in the transferred business, and all such employment shall be deemed employment performed for such employer.

(F) Notwithstanding any other provisions of this section, if the successor employer was an employer subject to this subchapter prior to the date of transfer, his rate of contributions the remainder of the calendar year shall be his rate with respect to the period immediately preceding his date of acquisition. If the successor was not an employer prior to the date of transfer, his rate shall be the rate applicable to the transferor or transferors with respect to the period immediately preceding the date of transfer; provided, that there was only 1 transferor or there were only transferors with identical rates; if the transferor rates were not identical, the successor’s rate shall be the highest rate applicable to any of the transferors with respect to the period immediately preceding the date of transfer. The rate of the transferor, if still subject to the chapter, will not be redetermined and shall remain the rate with respect to the period immediately preceding the date of transfer.

(G) For future years, for the purposes of subsection (c) of this section, the Director shall determine the “experience under this section” of the successor employer’s account and of the transferring employer’s account by allocating to the successor employer’s account for each period in question the respective proportions of the transferring employer’s payroll, contributions, and the benefit charges which the Director determines to be properly assignable to the business transferred.

(8) Variations from the standard rates of contributions for each calendar year or part thereof shall be determined as of the applicable computation date in accordance with the following requirements:

(A) As of the computation date, the total benefits paid after June 30, 1939, then chargeable or charged to any employer's account, shall be subtracted from the total of all contributions credited to his account with respect to employment since May 31, 1939. The result of this computation shall be known as the employer's reserve and the employer's contribution rate for the ensuing calendar year shall be established under Table I, II, III, IV, V, or VI of this subparagraph in accordance with the provisions of paragraph (4)(B) of this subsection.

TABLE I

0.1% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

0.2% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

0.5% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

0.8% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

1.1% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

1.4% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

1.7% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

2.0% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

2.6% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

3.2% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

4.2% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

4.5% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

- 4.8% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;
- 5.1% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;
- 5.4% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE II

- 0.6% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;
- 1.0% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;
- 1.3% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;
- 1.6% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;
- 1.9% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;
- 2.1% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;
- 2.3% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;
- 2.5% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;
- 2.7% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;
- 2.9% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;
- 3.1% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;
- 3.3% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;
- 4.6% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;
- 4.9% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;
- 5.2% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

5.5% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

5.8% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE III

1.0% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

1.4% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;

1.7% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;

2.0% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;

2.3% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;

2.5% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;

2.7% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;

2.9% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;

3.0% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;

3.2% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;

3.4% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;

3.6% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;

5.0% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;

5.3% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;

5.6% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;

5.9% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;

6.2% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE IV

- 1.3% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;
- 1.7% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;
- 2.0% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;
- 2.3% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;
- 2.6% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;
- 2.8% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;
- 3.0% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;
- 3.2% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;
- 3.4% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;
- 3.6% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;
- 3.8% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;
- 4.0% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;
- 5.4% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;
- 5.7% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;
- 6.0% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;
- 6.3% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;
- 6.6% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE V

- 1.6% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;
- 2.0% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;
- 2.3% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;
- 2.6% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;
- 2.9% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;
- 3.1% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;
- 3.3% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;
- 3.5% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;
- 3.7% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;
- 3.9% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;
- 4.1% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;
- 4.2% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;
- 5.8% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;
- 6.1% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;
- 6.4% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;
- 6.7% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;
- 7.0% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

TABLE VI

- 1.9% if such reserve equals or exceeds 8.0% of the employer's average annual taxable payroll;

- 2.3% if such reserve equals or exceeds 7.5% but is less than 8.0% of the employer's average annual taxable payroll;
- 2.6% if such reserve equals or exceeds 7.0% but is less than 7.5% of the employer's average annual taxable payroll;
- 2.9% if such reserve equals or exceeds 6.5% but is less than 7.0% of the employer's average annual taxable payroll;
- 3.2% if such reserve equals or exceeds 6.0% but is less than 6.5% of the employer's average annual taxable payroll;
- 3.4% if such reserve equals or exceeds 5.5% but is less than 6.0% of the employer's average annual taxable payroll;
- 3.6% if such reserve equals or exceeds 5.0% but is less than 5.5% of the employer's average annual taxable payroll;
- 3.8% if such reserve equals or exceeds 4.5% but is less than 5.0% of the employer's average annual taxable payroll;
- 4.0% if such reserve equals or exceeds 4.0% but is less than 4.5% of the employer's average annual taxable payroll;
- 4.2% if such reserve equals or exceeds 3.0% but is less than 4.0% of the employer's average annual taxable payroll;
- 4.3% if such reserve equals or exceeds 1.5% but is less than 3.0% of the employer's average annual taxable payroll;
- 4.4% if such reserve equals or exceeds 0.0% but is less than 1.5% of the employer's average annual taxable payroll;
- 6.2% if such reserve exceeds minus 2.5% but is less than 0.0% of the employer's average annual taxable payroll;
- 6.5% if such reserve exceeds minus 5.0% but is less than or equal to minus 2.5% of the employer's average annual taxable payroll;
- 6.8% if such reserve exceeds minus 7.5% but is less than or equal to minus 5.0% of the employer's average annual taxable payroll;
- 7.1% if such reserve exceeds minus 10.0% but is less than or equal to minus 7.5% of the employer's average annual taxable payroll;
- 7.4% if such reserve is equal to or less than minus 10.0% of the employer's average annual taxable payroll.

(B) Except as otherwise provided in this section, whenever through inadvertence or mistake erroneous charges or credits are found to have been made to experience-rating accounts, the same shall be readjusted as of the date of discovery and such readjustment shall not affect any computation or rate assigned prior to the date of discovery but shall be used on the next computation date in calculating future contribution rates.

(C) Repealed.

(9) As used in this subsection:

(A) The term “annual payroll” means the total amount of wages for employment paid by an employer during a 12-month period ending 90 days prior to the computation date.

(B) The term “average annual payroll,” except for the purposes of paragraph (4)(C) of this subsection, means the average of the annual payrolls of any employer for the 3 consecutive 12-month periods ending 90 days prior to the computation date; provided, that for an employer whose account could have been charged with benefit payments throughout at least 12 but less than 36 consecutive calendar months ending on the computation date, the term “average annual payroll” means the total amount of wages for employment paid by him during the 12-month period ending 90 days prior to the computation date.

(C) The term “base-period wages” means the wages paid to an individual during his base period for employment.

(D) The term “base-period employers” means the employers by whom an individual was paid his base-period wages.

(E) The term “most recent employer” means that employer who last employed such individual immediately prior to such individual’s filing an initial claim for benefits.

(10) At least 1 month prior to the final date upon which the first contributions for any calendar year or part thereof become due from any employer at a contribution rate determined under this subsection, the Director shall notify such employer of his rate of contributions and of the benefit charges upon which such rate was based. Such determination shall become conclusive and binding upon the employer unless, within 30 days after the mailing of notice thereof to his last-known address, or in the absence of mailing, within 30 days after the delivery of such notice, the employer files an application for review and a redetermination, setting forth his reasons therefor. Upon receipt of such application, the Director shall voluntarily adjust such matter or shall grant an opportunity for a fair hearing and promptly notify the employer thereof. All such hearings shall be held before a Contribution Rate Review Committee composed of 3 members who shall be employees of the Director and appointed by the Director. The findings and decision of this Committee shall not be subject to review by the Office of the Inspector General. No employer shall have standing, in any proceeding involving his rate of contributions or contribution liability, to contest the chargeability of his account of any benefits paid in accordance with a determination, redetermination, or decision pursuant to § 51-111, except on the ground that the services on the basis of which such benefits were found to be chargeable do not constitute services performed in employment for him and only in the event that he was not a party to such determination, redetermination, or decision or to any other proceedings under this subchapter in which the character of such services was determined. The employer shall be promptly notified in writing of the Director’s denial of his application or of the Director’s redetermination. An employer aggrieved by the Director’s decision may seek review of such determination in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.

(11) After December 31, 1971, the separate account established for an employer under the provisions of paragraph (1) of this subsection shall be discontinued effective the calendar quarter next succeeding 3 calendar years after the employer has been determined out of business. Thereafter no employer shall have any right to or interest in such discontinued account.

(d) The contributions payable pursuant to subsections (b) and (c) of this section shall become due and be paid by each employer to the Director in accordance with such regulations as the Board may prescribe, and shall not be deducted in whole or in part from the wages of individuals in such employer's employ.

(e)(1) From December 31, 1939, to January 1, 1955, wages, for the purpose of this section, shall not include any amount in excess of \$3,000 paid by an employer to any person arising out of his or her employment during any calendar year. From January 1, 1955, to December 31, 1971, wages shall not include any amount in excess of \$3,000 actually paid by an employer to any person during any calendar year. From January 1, 1972, through December 31, 1977, inclusive, wages shall not include any amount in excess of \$4,200. From January 1, 1978, through December 31, 1981, taxable wages shall not include any amount in excess of \$6,000. For the purpose of determining employer contributions after January 1, 1982, the term "wages" shall not include any amount in excess of \$7,500 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. § 3306), whichever is greater) actually paid by an employer to any person during the calendar year. After December 31, 1954, the term "employment" for the purpose of this subsection shall include services constituting employment under any employment security law of a state or of the federal government. After December 31, 1971, the term "employment" for the purpose of this subsection shall include services constituting employment performed in the employ of a transferor as determined under the provisions of subsection (c)(7) of this section. For the purpose of determining employer contributions after January 1, 1983, the term "wages" shall not include any amount in excess of \$8,000 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. § 3306), whichever is greater) actually paid by an employer to any person arising out of employment during any calendar year.

(2) After January 1, 1993, the term "wages" shall not include any amount in excess of \$9,000 actually paid to any person arising out of employment in any succeeding calendar year.

(3) After January 1, 1994, the term "wages" shall not include any amount in excess of \$9,500 actually paid to any person arising out of employment in any succeeding calendar year; provided, however that should the balance in the Fund referred to in § 51-106 exceed \$40 million as of September 30, 1993, then the term "wages" contained in paragraph (2) of this subsection shall be applicable.

(4) After January 1, 1995, the term "wages" shall not include any amount in excess of \$10,000 actually paid to any person arising out of employment in any succeeding calendar year; provided, however, that should the balance in

the Fund referred to in § 51-106 exceed \$80 million as of September 30, 1994, then the term “wages” contained in paragraph (3) of this subsection shall be applicable; be it further provided, however, that if the term “wages” has the same meaning as in paragraph (2) of this subsection as of December 31, 1994, then the term “wages” shall not include any amount in excess of \$9,500 actually paid to any person arising out of employment in any succeeding calendar year.

(5) After January 1, 1996, the term “wages” shall not include any amount in excess of \$10,000 actually paid to any person arising out of employment in any succeeding calendar year; provided, however, that should the balance in the Fund referred to in § 51-106 exceed \$120 million as of September 30, 1995, then the term “wages” contained in paragraph (4) of this subsection shall be applicable.

(6) After January 1, 1997, the term “wages” shall not include any amount in excess of \$9,000 actually paid to any person arising out of employment in 1997 or in any succeeding calendar year.

(f)(1) In the event the District of Columbia should elect to cover employees under this subchapter under the provisions of § 51-101(2)(H)(i), or in the event any of its instrumentalities are required to be covered under this subchapter, in lieu of contributions required of employers under this subchapter, the District of Columbia shall pay into the Fund an amount equivalent to the amount of benefits paid to individuals based on wages paid by the District. If benefits paid an individual are based on wages paid by the District of Columbia and 1 or more other employers, the amount payable by the District to the Fund shall bear the same ratio to total benefits paid to the individual as the base-period wages paid to the individual by the District of Columbia bears to the total amount of the base-period wages paid to the individual by all of his base-period employers.

(2) The amount of payment required under this section shall be ascertained by the Director quarterly and shall be paid from the general funds of the District at such time and in such manner as the Mayor of the District of Columbia may prescribe except that to the extent that benefits are paid on wages paid by the District from special administrative funds, the payment by the District into the Unemployment Fund shall be made from such special funds. The District of Columbia shall be liable only for 50% of any extended benefits paid.

(3) After December 31, 1977, the District shall be provided the option of financing the costs of benefits paid to employees of the District by electing to pay contributions under the provisions of subsection (c) of this section or by electing to become liable for payments in lieu of contributions under the same terms and conditions provided for nonprofit organizations in subsection (h) of this section, except as provided in the following sentence. For weeks of unemployment beginning January 1, 1979, and thereafter, the District will be chargeable if it elects to pay contributions, or will be liable if it elects to make payments in lieu of contributions, for the cost of regular benefits plus 100% of any extended benefits paid that are attributable to service in the employ of the District.

(g) Contributions due under this subchapter with respect to wages for insured work shall, for the purpose of this section, be deemed to have been paid to the Fund as of the date payment was made as contributions therefor under another state or federal employment security law if payment into the Fund of such contributions is made on such terms as the Director finds will be fair and reasonable as to all affected interests; provided, that liability to the Fund shall not exceed contributions for the 3 calendar years next preceding the quarter in which liability was determined. Payments to the Fund under this subsection shall be deemed to be contributions for purposes of this section.

(h) Notwithstanding any other provisions of this section, benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this subsection. For the purpose of this subsection and subsection (i) of this section, a nonprofit organization is an organization (or group of organizations) described in § 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from income tax under § 501(a) of such Code.

(1) Any nonprofit organization which, pursuant to § 51-101(2)(A)(iii), is, or becomes, subject to this subchapter on or after January 1, 1972, shall pay contributions under the provisions of subsection (c) of this section, unless it elects, in accordance with this paragraph to pay to the Director for the District Unemployment Fund an amount equal to the amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such nonprofit organization, to individuals for weeks of unemployment which begin during the effective period of such election.

(A) Any nonprofit organization which is, or becomes, subject to this subchapter on January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than 1 taxable year beginning with January 1, 1972; provided, that it files with the Director a written notice of its election within the 30-day period immediately following such date or within a like period immediately following the date of enactment of this subparagraph whichever occurs later.

(B) Any nonprofit organization which becomes subject to this subchapter after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of that and the next year beginning with the date on which such liability begins by filing a written notice of its election with the Director not later than 30 days immediately following the date of the determination of such liability.

(C) Any nonprofit organization which makes an election in accordance with subparagraph (A) or subparagraph (B) of this paragraph will continue to be liable for payments in lieu of contributions until it files with the Director a written notice terminating its election not later than 30 days prior to the beginning of the taxable year for which such termination shall first be effective.

(D) Any nonprofit organization which has been paying contributions under this subchapter for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the Director not later than 30 days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminal by the organization for that and the next year.

(E) The Director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.

(F) The Director, in accordance with such regulations as the Board may prescribe, shall notify each nonprofit organization of any determination which the Director may make of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of subsection (c) of this section.

(G) Any nonprofit organization which elects to make payments in lieu of contributions into the District Unemployment Compensation Fund as provided in this paragraph shall not be liable to make such payments with respect to the benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in § 51-101(3)(c) to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to § 121 of the Unemployment Compensation Amendments of 1976 (26 U.S.C. § 3304, note).

(2) Payments in lieu of contributions shall be made in accordance with the provisions of this paragraph including either subparagraph (A) or subparagraph (B) of this paragraph.

(A) At the end of each calendar quarter, or at the end of any other period as determined by the Director, the Director shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half of the amount of extended benefits paid that is attributable to service in the employ of such organization.

(B)(i) Each nonprofit organization that has elected payments in lieu of contributions may request permission to make such payments as provided in this subparagraph. Such method of payment shall become effective upon approval by the Director.

(ii) At the end of each calendar quarter, or at the end of such other period as determined by the Director, the Director shall bill each nonprofit organization for an amount representing 1 of the following:

(I) For 1972, one-fourth of 1% of its total payroll for 1971;

(II) For years after 1972, such percentage of its total payroll for the immediately preceding calendar year as the Director shall determine. Such determination shall be based each year on the average benefit costs attributable to service in the employ of nonprofit organizations during the preceding calendar year;

(III) For any organization which did not pay wages throughout the 4 calendar quarters of the preceding calendar year, such percentage of its payroll during such year as the Director shall determine.

(iii) At the end of each taxable year, the Director may modify the quarterly percentage of payroll thereafter payable by the nonprofit organization in order to minimize excess or insufficient payments.

(iv) At the end of each taxable year, the Director shall determine whether the total of payments for such year made by a nonprofit organization

is less than, or in excess of, the total amount of regular benefits plus one-half of the amount of extended benefits paid to individuals during such taxable year based on wages attributable to service in the employ of such organization. Each nonprofit organization whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with subparagraph (C) of this paragraph. If the total payments exceed the amount so determined for the taxable year, all or a part of the excess may, at the discretion of the Director, be refunded from the Fund or retained in the Fund as part of the payments which may be required for the next taxable year.

(C) Payment of any bill rendered under subparagraph (A) or subparagraph (B) of this paragraph shall be made not later than 30 days after such bill was mailed to the last-known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review and redetermination in accordance with subparagraph (E) of this paragraph.

(D) Payments made by a nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the organization.

(E) The amount due specified in any bill from the Director shall be conclusive on the organization unless, not later than 15 days after the bill was mailed to its last-known address or otherwise delivered to it, the organization files an application for redetermination by the Director, setting forth the grounds for such application or appeal. The Director shall promptly review and reconsider the amount due specified in the bill and shall thereafter issue a redetermination in any case in which such application for redetermination has been filed. Any such redetermination shall be conclusive on the organization unless the organization files an appeal as set forth in subsection (c)(10) of this section, setting forth the grounds for the appeal.

(F) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to § 51-104(c), apply to past due contributions.

(3) In the discretion of the Director, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within 30 days after the effective date of its election, to execute and file with the Director a surety bond approved by the Director, or it may elect instead to deposit with the Director money. The amount of such bond or deposit shall be determined in accordance with the provisions of this paragraph.

(A) The amount of the bond or deposit required by this paragraph shall be equal to one-fourth of 1% of the organization's total wages paid for employment as defined in § 51-101(2)(A)(iii) for the 4 calendar quarters immediately preceding the effective date of the election, the renewal date in the case of a bond, or the biennial anniversary of the effective date of election in the case of a deposit of money, whichever date shall be most recent and applicable. If the nonprofit organization did not pay wages in each of such 4 calendar quarters, the amount of the bond or deposit shall be as determined by the Director.

(B) Any bond deposited under this paragraph shall be in force for a period of not less than 2 taxable years and shall be renewed with the approval

of the Director at such times as the Director may prescribe, but not less frequently than at 2-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The Director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 15 days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in § 51-104(c), shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(C) Any deposit of money in accordance with this paragraph shall be retained by the Director in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The Director may deduct from the money deposited under this paragraph by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in § 51-104(c). The Director shall require the organization within 15 days following any deduction from a money deposit under the provisions of this subparagraph to deposit sufficient additional money to make whole the organization's deposit at the prior level. The Director may, at any time, review the adequacy of the deposit made by any organization. If, as the result of such review, he determines that an adjustment is necessary, he shall require the organization to make additional deposit within 15 days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate.

(D) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this paragraph, the Director may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the 4-consecutive-calendar-quarter period beginning with the quarter in which such termination becomes effective; provided, that the Director may extend for good cause the applicable filing, deposit or adjustment period by not more than 15 days.

(4) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under paragraph (2) of this subsection, the Board may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next taxable year, and such termination shall be effective for that and the next taxable year.

(5) Each employer that is liable for payments in lieu of contributions shall pay to the Director for the fund the amount of regular benefits plus one-half of the amount of extended benefits paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than 1 employer and 1 or more of such employers are liable for payments in lieu of contributions, the amount payable to the Fund by each

employer that is liable for such payments shall be determined in accordance with the provisions of subparagraph (A) or subparagraph (B) of this paragraph.

(A) If benefits paid to an individual are based on wages paid by 1 or more employers that are liable for payments in lieu of contributions and on wages paid by 1 or more employers who are liable for contributions, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(B) If benefits paid to an individual are based on wages paid by 2 or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base-period wages paid to the individual by such employer bear to the total base-period wages paid to the individual by all of his base-period employers.

(6) Two or more employers that have become liable for payments in lieu of contributions, in accordance with the provisions of subsection (h)(1) of this section, may file a joint application to the Director for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon approval of the application, the Director shall establish a group account for such employers effective as of the beginning of the calendar quarter in which it receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than 2 years and thereafter until terminated at the discretion of the Director or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The Director shall prescribe such regulations as he deems necessary with respect to applications for establishment, maintenance, and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

(i) Notwithstanding any provisions in subsection (h) of this section, any nonprofit organization that prior to January 1, 1969, paid contributions required by subsection (c) of this section and, pursuant to subsection (h) of this section, elects within 30 days after January 1, 1972, to make payments in lieu of contributions, shall not be required to make any such payment on account of any benefits paid, on the basis of wages paid by such organization to

individuals for weeks of unemployment which began on or after the effective date of such election until the total amount of such benefits equals the amount of the positive balance in the experience rating account of such organization.

(j) Notwithstanding any of the provisions of this subchapter, no employer's experience rating account shall be charged and no employer shall be liable for payments in lieu of contributions with respect to extended benefit payments which are wholly reimbursed to the District of Columbia by the federal government.

(k) Notwithstanding any provisions of this subchapter, no employer's experience rating account shall be charged with respect to benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in § 51-101(3)(C) to the extent that the Unemployment Insurance Fund is reimbursed for such benefits pursuant to § 121 of the Unemployment Compensation Amendments of 1976 (26 U.S.C. § 3304, note).

(l)(1) Commencing January 1, 1992, an interest surcharge of 0.1% shall be added to the contribution rate of each employer required to pay contributions by this subchapter, excepting those reimbursing employers subject to the requirements of subsection (h) of this section.

(2) All interest surcharges collected under this subsection shall be considered separate from contributions required by subsection (c) of this section and shall be deposited in the Interest Account established by § 51-114(c) and shall not be credited to the individual accounts of employers.

(3) No interest surcharge shall be required for any year following the year in which the amount of interest-bearing advances has been reduced to zero; provided, however, that an interest surcharge shall be reimposed by the Director of the Department of Employment Services ("Director") for the calendar year following any year in which an interest-bearing advance remains outstanding on October 1 and where there are not sufficient funds in the Interest Account to pay the interest due for that year.

(m)(1) Commencing January 1, 2006, an administrative funding assessment of 0.2% of all wages as defined in subsection (e)(6) of this section shall be paid by all employers liable for contributions required by subsections (b) and (c) of this section and by all employers liable for payments in lieu of contributions required by subsection (h) of this section. The administrative funding assessment shall be paid quarterly, but shall be separate and distinct from contributions or payments in lieu of contributions.

(2) All administrative funding assessment payments collected shall be deposited into the Unemployment and Workforce Development Administrative Fund established by § 51-114(d) and shall not be credited to the accounts of individual employers.

(3) Repealed.

(4)(A) For calendar quarters commencing after September 30, 2007, if the administrative funding assessments required by paragraph (1) of this subsection are not paid when due, there shall be added thereto interest at the rate of 1.5% per month, or fraction thereof, from the date the assessments became due until paid. Interest shall not be charged to a court-appointed fiduciary when the assessment payments are not paid timely because of a court order.

(B) If an administrative funding assessment is not paid on or before the first day of the second month following the close of the calendar quarter for which it is due, there shall be added a penalty of 10% of the amount due. The penalty shall not be less than \$100; provided, that for good cause shown, the penalty may be waived by the Director of the Department of Employment Services.

(n) Notwithstanding any other provision of this subchapter, all assignments of contribution rates and transfers of experience in any year commencing after December 31, 2005 shall be made in accordance with the following:

(1) If an employer transfers all or a portion of its trade or business to another employer and, at the time of transfer, there exists any common ownership, management, or control of the 2 employers, the unemployment experience for the trade or business shall be transferred to the employer receiving the trade or business. The contribution rates of both employers shall be recalculated and made effective on the 1st day of the next rating year. Any penalties that may be imposed on the transfer under § 51-104 shall be retroactive to the beginning of the year in which the transfer occurred.

(2) If a person is not subject to this subchapter at the time it acquires the trade or business of an employer subject to this subchapter, the unemployment experience of that trade or business shall not be transferred if the Director determines that the acquisition was solely or primarily for purpose of obtaining a lower contribution rate. In such event, the person shall be assigned a new employer rate under subsection (c)(3)(A) of this section. The Director shall use objective criteria to determine whether the trade or business was acquired solely or primarily for the purpose of obtaining a lower contribution rate, including:

(A) The cost of acquiring the trade or business enterprise;

(B) Whether the trade or business was continued by the person after acquisition;

(C) The length of time that the trade or business was continued; and

(D) Whether a substantial number of new employees were hired to perform duties unrelated to the trade or business activity prior to the acquisition.

(3) The Director shall establish procedures to identify the transfer or acquisition of a trade or business for the purposes of this subchapter.

(Aug. 28, 1935, 49 Stat. 947, ch. 794, § 3; July 2, 1940, 54 Stat. 731, ch. 524, § 1; Nov. 21, 1941, 55 Stat. 781, ch. 500, § 1; Nov. 9, 1942, 56 Stat. 1016, ch. 636; June 4, 1943, 57 Stat. 105, ch. 117, § 1; July 11, 1946, 60 Stat. 527, ch. 557; July 26, 1947, 61 Stat. 494, ch. 342, §§ 1, 2; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; Aug. 31, 1954, 68 Stat. 989, ch. 1139, § 1; Mar. 30, 1962, 76 Stat. 47, Pub. L. 87-424, §§ 3-5; Sept. 27, 1962, 76 Stat. 633, Pub. L. 87-705, § 1; July 29, 1970, 84 Stat. 572, Pub. L. 91-358, title I, § 155(c)(44)(A); Dec. 22, 1971, 85 Stat. 760, Pub. L. 92-211, § 2(14)-(26); Dec. 7, 1974, 88 Stat. 1617, Pub. L. 93-515, title III, § 301(1); May 13, 1975, D.C. Law 1-2, § 1(1), 21 DCR 3941; Mar. 3, 1979, D.C. Law 2-129, § 2(h)-(q), 25 DCR 2451; Mar. 16, 1982, D.C. Law 4-86, § 2(a), (b),

29 DCR 429; Sept. 17, 1982, D.C. Law 4-147, § 2(a)-(d), 29 DCR 3347; May 7, 1983, D.C. Law 5-3, § 2(a)-(h), 30 DCR 1371; Aug. 10, 1984, D.C. Law 5-102, § 2(b), 31 DCR 2902; Mar. 13, 1985, D.C. Law 5-124, §§ 2(a)(1), (a)(2), (b), 4, 31 DCR 5165; Feb. 24, 1987, D.C. Law 6-189, § 2, 33 DCR 7935; Mar. 16, 1988, D.C. Law 7-91, § 2(a), 35 DCR 712; Mar. 16, 1993, D.C. Law 9-200, § 2(a), 39 DCR 9217; Sept. 24, 1993, D.C. Law 10-15, §§ 102, 203, 40 DCR 5420; May 16, 1995, D.C. Law 10-255, §§ 39(b), 49(d), 41 DCR 5193; Mar. 26, 1999, D.C. Law 12-175, § 202(a), 45 DCR 7193; Oct. 20, 2005, D.C. Law 16-33, § 2042(a), 52 DCR 7503; Mar. 2, 2007, D.C. Law 16-191, § 97, 53 DCR 6794; Mar. 8, 2007, D.C. Law 16-233, § 2(a), 54 DCR 374; Sept. 18, 2007, D.C. Law 17-20, § 2042(a), 54 DCR 7052; Mar. 3, 2010, D.C. Law 18-111, § 1011, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, §§ 2192(a), 2202(a), 57 DCR 6242; Sept. 20, 2012, D.C. Law 19-168, § 2002(a), 59 DCR 8025; Dec. 24, 2013, D.C. Law 20-61, § 2042, 60 DCR 12472.)

Section references. — This section is referenced in § 51-104, § 51-106, § 51-113, § 51-117, and § 51-133.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 repealed (c)(8)(C).

The 2013 amendment by D.C. Law 20-61 added (c)(2)(F).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2002(a) of Fiscal Year 2013 Budget Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 2002(a) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

For temporary (90 days) amendment of this section, see § 2042 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 2042 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 19-168. — Law 19-168, the “Fiscal Year 2013 Budget Support

Act of 2012,” was introduced in Council and assigned Bill No. 19-743. The Bill was adopted on first and second readings on May 15, 2012, and June 5, 2012, respectively. Signed by the Mayor on June 22, 2012, it was assigned Act No. 19-385 and transmitted to Congress for its review. D.C. Law 19-168 became effective on September 20, 2012.

Legislative history of Law 20-61. — Law 20-61, the “Fiscal Year 2014 Budget Support Act of 2013,” was introduced in Council and assigned Bill No. 20-199. The Bill was adopted on first and second readings on May 22, 2013, and June 26, 2013, respectively. Signed by the Mayor on Aug. 28, 2013, it was assigned Act No. 20-157 and transmitted to Congress for its review. D.C. Law 20-61 became effective on Dec. 24, 2013.

Short title.

Section 2041 of D.C. Law 20-61 provided that Subtitle E of Title II of the act may be cited as the “Unemployment Compensation Benefit Charges Federal Conformity Amendment Act of 2013”.

Editor’s notes.

Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 51-104. Payment of employer contributions.

(a) The contributions required by § 51-103, or payment in lieu of contributions under § 51-103(h), shall be paid to and collected by the Director, and shall, immediately upon collection, be deposited in the Clearing Account of the Fund. All moneys so required to be paid to and collected by the Director shall be subject to audit by the Office of the Inspector General.

(b)(1)(A) Not later than the last day of the following month after the close of each calendar quarter, or at such other time as the Director may by regulations prescribe, every employer shall make a return of, and shall pay the contribu-

tions which shall have accrued with respect to wages paid during such quarter with respect to employment, with the following exceptions:

(i) An employer with a household employee may make a return of and pay the contributions that have accrued with respect to the household employee on an annual basis on April 15th to the Department of Employment Services; and

(ii) As provided in § 51-103(h).

(B) The Director of Department of Employment Services shall prescribe such regulations as the director deems necessary to carry out the purpose of allowing household employer to convert from a quarterly system of payments and filing to annual filing.

(2) Employers who employ 250 employees or more in a calendar quarter shall file wage reports by magnetic tape or other machine readable method approved by the Director. Employers subject to this provision who fail to file wage reports using magnetic tape or other approved method shall be deemed to have failed to file a timely contribution report and shall be subject to the interest and penalty provisions of subsection (c) of this section until such time as the report is filed using magnetic tape or other approved method.

(c)(1) If the contributions or payments in lieu of contributions under § 51-103(h) are not paid when due, there shall be added thereto interest at the rate of 1½ % per month or fraction thereof from the date they become due until paid. Interest shall not run against a court-appointed fiduciary when the contributions or payments in lieu of contributions under § 51-103(h) are not paid timely because of a court order.

(2) If contributions are not paid or wage reports are not filed on or before the first day of the second month following the close of the calendar quarters for which they are due or payments in lieu of contributions under § 51-103(h) are not made by that time, there shall be added a penalty of 10% of the amount due. The penalty shall not be less than \$100 and for good cause the penalty may be waived by the Director of the Department of Employment Services.

(d) In the event of the death, dissolution, insolvency, receivership, bankruptcy, composition, or assignment for benefit of creditors of any employer, contributions, or payments in lieu of contributions under § 51-103(h), then or thereafter due from such employer under this section shall have priority over all other claims, except taxes due the United States or the District, and wages (not exceeding \$600 with respect to any individual) due for services performed within the 3 months preceding such event.

(e) If any employer liable to pay the contribution, or payments in lieu of contributions under § 51-103(h), imposed by § 51-103 neglects and refuses to pay the same after demand, the amount (including any interest) shall be a lien upon all of the property and rights to property, whether real or personal, belonging to such person. Such lien shall not be valid as against any mortgagee, pledgee, purchaser, or judgment creditor until notice thereof has been filed by the Director with the Recorder of Deeds of the District of Columbia. The Director may cause a civil action to be filed in the Superior Court of the District of Columbia to enforce the aforesaid lien by sale of any property or rights to property, whether real or personal, of the delinquent

employer affected by said lien. All persons having liens upon or claiming any interest in the property or rights to property sought to be sold, as aforesaid, shall be made parties to the proceedings and brought into court. The Court shall proceed to adjudicate all matters involved therein and finally determine the merits of all claims to a lien upon the property and rights to the property in question, and in all cases where a claim or interest of the Director therein is established, may decree a sale of such property and rights of property by the proper officer of the Court, and any sale made pursuant to such proceedings shall be made subject to any and all valid liens existing against said property or rights to property, at the date of filing of the notice of lien. Such action shall be heard by the Court at the earliest possible date, and shall be entitled to preference on the calendar of the Court over all other civil actions except petitions for judicial review of this subchapter. In any suit to enforce a lien hereunder the owner of the property or rights of property affected by said lien may be allowed to file with the clerk of the Superior Court of the District of Columbia a written undertaking with 2 or more sureties to be approved by the Court, or with corporate surety approved by the Court, to the effect that he and they will pay the judgment that may be recovered and costs which judgment shall be rendered against all the persons so undertaking. Upon the approval of said undertaking the property or rights of property shall be released from such lien. No such undertaking shall be approved by the Court until the owner of the property or rights of property in question shall have given at least 2 days' notice to the Director of his intention to apply to the Courts therefor. Each notice shall give the names and residences of the persons intended to be offered as sureties and the time when the motion for such approval will be made, and such sureties shall make oath if required that they are worth over and above all debts and liabilities double the amount of said lien. The Director may appear and object to such approval. When corporate surety is offered and the undertaking bears a certificate of the Clerk of the Superior Court of the District of Columbia that said corporation holds authority from the Secretary of the Treasury to do business in the District of Columbia and has a process agent therein, no notice shall be required. Such an undertaking as above mentioned may be offered before any suit is brought in order to discharge the property from such lien, in which case notice shall be given as aforesaid to the Director and the same proceedings shall be had as above directed in relation to the undertaking to be given after the commencement of the suit, except that when the surety is a corporation of the Clerk of said Superior Court of the District of Columbia that said corporation holds authority from the Secretary of the Treasury to do business in the District of Columbia, and has a process agent therein, no notice shall be required; and said undertaking shall be to the effect that the owner of said property or rights of property and his said sureties will pay any judgment that may be rendered in any suit that may thereafter be brought for the enforcement of said lien. If such undertaking be approved before any suit is brought, the surety or sureties may be made parties to such suit; if the undertaking be approved after suit is brought, the surety or sureties shall ipso facto become parties to the suit, and in either case the decree of the Court shall be against the surety or sureties as well as the owner. Subject to

such regulations as the Council of the District of Columbia may prescribe, the Director shall issue a certificate of release of the lien if the Director finds that the liability for the amount of the contribution, or payments in lieu of contributions under § 51-103(h), imposed, together with all interest in respect thereof, has been satisfied or for any other reason deemed proper by the Director. Such lien shall continue to be valid for a period of 10 years from the date of filing of the notice thereof with the Recorder of Deeds of the District of Columbia, unless the same shall have been released of record, as hereinbefore provided. The foregoing remedy of the Director shall be cumulative and no action taken by the Director shall be or be construed to be an election on the part of the Director to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this subchapter.

(f) Whenever any employing unit contracts with or has under it any contractor or subcontractor for any employment which is a part of its usual trade, occupation, profession, or business, said employing unit shall report to the Director, in accordance with applicable regulations, the name and address of each and every such contractor or subcontractor so employed. Unless such report is made the employing unit shall for all purposes of the chapter be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged solely in performing such employment. Any employing unit who thus becomes liable for and pays contributions with respect to individuals in the employ of any such contractor or subcontractor, however, may recover same from such contractor or subcontractor.

(g) In payment of any contribution, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to \$.01.

(h) If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due may be collected by the Director or Director's designated agent in the manner provided by law for the collection of taxes due the District on personal property in force at the time of such collection (including collection thereof by distraint), or by civil action in the name of the Director, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest or penalty thereon from an employer shall be heard by the Court at the earliest possible date and shall be entitled to preference upon the calendar of the Court over all other civil actions except petitions for judicial review of this subchapter. This subsection shall not be construed to mean that the Director shall be required to use only this means of collecting delinquent contributions but the Director may use any other legal method which the Director deems advisable.

(i) If, not later than 3 years after the date on which any contributions (or payments in lieu of contributions under § 51-103(h)) or interest thereon were paid, an employing unit which has paid such contributions (or payments in lieu of contributions under § 51-103(h)) or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution with subsequent contribution payments (or payments in lieu of contributions under

§ 51-103(h)) or for a refund thereof because such adjustment cannot be made, and the Director shall determine that such contributions (or payments in lieu of contributions under § 51-103(h)) or interest on any portion thereof was erroneously collected, the Director shall allow such employing unit to make an adjustment thereof, without interest, in connection with subsequent contribution payments (or payments in lieu of contributions under § 51-103(h)) by it, or if such adjustment cannot be made the Director shall refund said amount, without interest, from the Clearing Account or Benefit Account upon checks issued by the Director or the Director's duly authorized agent. For like cause and within the same period, adjustment or refund may be so made on the Director's own initiative. Should benefits have been paid based upon work records filed by the employing unit, claiming an adjustment or refund, such benefit should be disregarded for purposes of figuring such adjustment or refund, and any such benefit payments already having been made at the time of the adjustment or refund, based upon records filed with this Director by such employing unit, shall to that extent be allowed and shall not be deemed to have been paid erroneously.

(j) The Director in the Director's discretion, whenever the Director may deem it administratively advisable, may charge off of the Director's books any unpaid account due the Director or any credit due an employer who has been out of business for a period of more than 3 years. Whenever an account is charged off by the Director, there shall be placed in the records of the Director a reason for such action.

(k) The Council of the District of Columbia, or the executive officer provided for under § 51-115(b), with the consent of the Council, may prescribe the extent, if any, to which any ruling, regulation, or decision relating to this subchapter shall be applied without retroactive effect.

(l)(1) The Director may compromise any civil case arising under this subchapter. Whenever a compromise is made by the Director in each such case, there shall be placed in the records of the Director the opinion of an attorney of the Director with the reasons therefor, including a statement of:

(A) The amount of the contributions, or payments in lieu of contributions under § 51-103(h), due;

(B) The amount of interest due on the same; and

(C) The amount actually paid in accordance with the terms of the compromise.

(2) There is hereby established in the Treasury of the United States a special escrow account into which the Director shall deposit all funds received in connection with an offer of compromise. Such funds shall be kept in such escrow account until final action is had upon the offer of compromise and shall not be subject to offset for any indebtedness whatsoever. In the event the compromise is approved, the funds shall be transferred to the District Unemployed Compensation Funds. In the event the compromise is disapproved, the funds shall be immediately returned to the individual who made the offer of compromise.

(m)(1) If any employer liable to pay contributions or payments in lieu of contributions under § 51-103(h) files a wage report for the purposes of

determining the amount of contributions due under this subchapter but fails to pay contributions, interest, or penalties, the Director may assess the amount of contributions, interest, or penalties due on the basis of the information submitted and shall give written notice of such assessment to the employer. In the event such report is subsequently found to be incorrect additional assessments may be made, notwithstanding paragraph (4) of this subsection.

(2) If an employer liable to pay contributions, or payments in lieu of contributions under § 51-103(h), fails to file, on or before the prescribed date, a wage report for purposes of determining the amount of contributions due under this subchapter or if such wage report when filed is deemed by the Director to be incorrect or insufficient, then the employer shall file a correct and sufficient report within 10 days after the Director requires same by written notice, and upon failure to do so, the Director shall assess the amount of contributions, interest, penalties due from such employer on the basis of such information as the Director may be able to obtain, and shall give written notice of such assessment to the employer.

(3) If the Director believes that the collection of any contribution, payment in lieu of contribution, interest, or penalty under the provisions of this subchapter will be jeopardized by delay, the Director may, whether or not the time prescribed in this subchapter for the filing of reports or the payment of contributions has expired, immediately assess such contributions, payment in lieu of contributions, interest, or penalty and shall give written notice of such assessment to the employer.

(4) Assessments made pursuant to this subsection shall be final and irrevocably fix the amount of contributions, interest, or penalties due and payable unless the employer shall file an appeal to the Director, pursuant to duly prescribed regulations, within 15 days of the mailing of such determination or the Director on the Director's own motion reduces the amount of the assessment; provided, however, that any employer appealing an assessment shall first pay such contributions, interest and penalties. After a hearing, the appeal tribunal shall enter a decision affirming, modifying, or setting aside the assessment and shall promptly give the employer written notice of its decision.

(n) The contributions, payments in lieu of contributions, interest, and penalties thereon required by this subchapter shall become, from the time due and payable, a personal debt of the person liable to pay the same to the Director. For purposes of this subchapter, the term "person" shall include any officer of a corporation having 35 or fewer shareholders, any employee of such corporation responsible for the payment of contributions, interest, and penalties, and any member of a partnership or association responsible for the payment of contributions, payments in lieu of contributions, interest, and penalties, and any member of a partnership or association responsible for the payment of contributions, payments in lieu of contributions, interest, and penalties.

(o) In addition to all other methods granted to the Director to effect the collection of delinquent contributions payment in lieu of contributions, interest, and penalties, the Director shall have the authority to seek the suspension or cancellation of any business, professional, alcoholic beverage, occupancy, or other license held by any employer subject to this subchapter.

(p)(1) For purposes of this subsection, the term:

(A) “Knowingly” means having actual knowledge of or acting with deliberate ignorance or reckless disregard of the prohibitions under this subsection.

(B) “Person” means an individual, a trust, estate, partnership, association, company, or corporation.

(C) “Trade or business” includes the employer’s workforce.

(D) “Violates or attempts to violate” includes acts evidencing an intent to evade, misrepresentation, or willful nondisclosure of material information.

(2) Any person that knowingly violates or attempts to violate any provision of this subchapter related to the calculation, determination, or assignment of contribution rates, or knowingly advises another person in a way that results in a violation of any of those provisions, shall be subject to the following penalties:

(A) If the person is an employer subject to this subchapter, the highest rate shall be assigned for the duration of the rate year in which the violation or attempted violation occurred and for the following 3 consecutive years; provided, that if the employer is already subject to the highest rate for the year that the violation or attempted violation occurred or if the increased rate would be less than 2% for that year, an additional 2% of taxable wages shall be imposed for that year and for the following 3 consecutive years.

(B) If the person is not an employer subject to this subchapter, a fine shall be imposed in the amount of \$5,000 for the 1st violation and in an amount not to exceed \$25,000 for each additional violation. Fines shall be enforced by civil action brought by the Director and shall be deposited in the Special Administrative Expense Fund established by § 51-114(b).

(3) Any violation of this subsection may also be prosecuted on information brought by the Attorney General for the District of Columbia in the Superior Court. Any person that is convicted shall be guilty of a misdemeanor and shall be subject to a fine not to exceed \$5,000, imprisoned not more than 180 days, or both, and shall be liable for costs of prosecution.

(4) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the Secretary of Labor.

(Aug. 28, 1935, 49 Stat. 948, ch. 794, § 4; July 2, 1940, 54 Stat. 731, ch. 524, § 1; June 4, 1943, 57 Stat. 108, ch. 117; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 10, 1952, 66 Stat. 543, 547, ch. 649, §§ 2(b), 6; Aug. 31, 1954, 68 Stat. 992, ch. 1139, § 1; July 25, 1958, 72 Stat. 417, Pub. L. 85-557, § 1; July 5, 1966, 80 Stat. 265, Pub. L. 89-493, § 14; July 29, 1970, 84 Stat. 573, Pub. L. 91-358, title I, § 155(c)(44)(B); Dec. 22, 1971, 85 Stat. 767, Pub. L. 92-211, § 2(27)-(34); Mar. 16, 1982, D.C. Law 4-86, § 2(c), 29 DCR 429; Sept. 17, 1982, D.C. Law 4-147, § 2(e), 29 DCR 3347; May 7, 1983, D.C. Law 5-3, § 2(i), (j), 30 DCR 1371; Mar. 13, 1985, D.C. Law 5-124, § 2(c), 31 DCR 5165; Sept. 24, 1993, D.C. Law 10-15, §§ 103, 204, 40 DCR 5420; Apr. 4, 2001, D.C. Law 13-270, § 2(a), 48 DCR 1620; Mar. 8, 2007, D.C. Law 16-233, § 2(b), 54 DCR 374; Dec. 24, 2013, D.C. Law 20-61, § 2032, 60 DCR 12472.)

Section references. — This section is referenced in § 51-101, § 51-103, § 51-108, and § 51-116.

Effect of amendments.

The 2013 amendment by D.C. Law 20-61 substituted “penalty of 10%” for “penalty of 25%” in (c)(2).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2032 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 2032 of the Fiscal Year 2014

Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 51-103.

Short title. — Section 2031 of D.C. Law 20-61 provided that Subtitle D of Title II of the act may be cited as the “Unemployment Compensation Penalty Reduction Amendment Act of 2013”.

Editor’s notes.

Applicability of D.C. Law 20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

§ 51-107. Determination of amount and duration of benefits.

(a) On and after January 1, 1938, benefits shall become payable from the Benefit Account of the District Unemployment Fund. All benefits shall be paid through employment offices, in accordance with such regulations as the Board may prescribe.

(b)(1) An individual’s “weekly benefit amount” shall be an amount equal to one twenty-sixth (computed to the next higher multiple of \$1) of his total wages for insured work paid during that quarter of his base period in which such total wages were highest, with such other following limitations. The Director shall determine annually a maximum weekly benefit amount by computing 66⅔% of the average weekly wage paid to employees in insured work, and shall on or before January 1st of the calendar year in which it shall be effective announce by publication in at least 1 newspaper of general circulation in the District, the maximum weekly benefit amount so determined. Such computation shall be made by determining total wages reported as paid for insured work by employers in each 12-month period ending June 30th and dividing said total wages by a figure resulting from 52 times the average of mid-month employment reported by employers for the same period. For the period from March 30, 1962, to December 31, 1962, the maximum weekly benefit amount shall be determined and announced by the Director in accordance with the foregoing formula on the basis of wages and employment in the 12-month period ending June 30, 1961. The maximum weekly benefit amount so determined and announced for a calendar year shall apply only to those claims filed in that year qualifying for maximum payment under the foregoing formula. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in said amount for a subsequent calendar year. If the maximum weekly benefit amount is not a multiple of \$1, then said maximum weekly benefit amount shall be computed to the next multiple of \$1.

(2)(A) Effective January 1, 1986, through December 31, 1987, the maximum weekly benefit amount shall be \$250.

(B)(i) Effective January 1, 1988, and for each calendar year thereafter, the maximum weekly benefit amount shall be determined by the Director of

the Department of Employment Services ("Director") by computing 50% of the average weekly wage paid to employees in insured work, unless the Director certifies to the Council on or before September 30th of the preceding year that the financial condition of the District Unemployment Compensation Trust Fund would be worsened by adoption and implementation of a maximum weekly benefit amount determined by that method. Any such certification by the Director shall be accompanied by a recommended maximum weekly benefit amount which shall not be less than the maximum weekly benefit amount then in effect and which shall become the maximum weekly benefit amount for the next calendar year, unless the Council passes a resolution disapproving the Director's recommendation within 45 days after its receipt.

(ii) For benefit years commencing on or after January 5, 1997, the maximum weekly benefit amount shall be \$309.

(iii) For benefit years commencing on or after April 12, 2005, the maximum weekly benefit amount shall be \$359.

(C) If the Council passes a resolution of disapproval the maximum weekly benefit amount then in effect shall continue in effect for the next calendar year.

(D) Each year the Director shall, on or before January 1st of the calendar year in which it shall be effective, announce by publication in at least 1 newspaper of general circulation in the District, the maximum weekly benefit amount.

(E) The computation of the average weekly wage paid to employees in insured work shall be made by determining total wages reported as paid for insured work by employers in each 12-month period ending March 31st and dividing said total wages by a figure resulting from 52 times the average of mid-month employment reported by employers for the same period.

(F) The maximum weekly benefit amount, however determined, announced for a calendar year shall apply only to those claims filed in that year qualifying for the maximum weekly benefit amount. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in the maximum amount for any subsequent calendar year.

(G) If the maximum weekly benefit amount, however computed, is not a multiple of \$1, then it shall be rounded down to the next lower multiple of \$1.

(c)(1) To qualify for benefits an individual must have:

(A) Been paid wages for employment of not less than \$1300 in 1 quarter in his base period;

(B) Been paid wages for employment of not less than \$1950 in not less than 2 quarters in such period; and

(C) Received during such period wages the total amount of which is equal to at least one and one-half times the amount of his wages actually received in the quarter in such period in which his wages were the highest.

(2) If a claimant satisfies the above except that he received wages over the amount necessary to become eligible for maximum benefits, in the quarter in which his wages were the highest, then the additional wages received in such

quarter shall not be considered in determining eligibility. Notwithstanding the provisions of paragraph (1)(C) of this subsection, any otherwise qualified individual, the total amount of whose wages during such period is less than the amount required to have been received during such period under such paragraph, may qualify for benefits, if the difference between the amounts so required to have been received and the total amount of his wages during such period does not exceed \$70, but the amount of his weekly benefit, as computed under subsection (b) of this section, shall be reduced by \$1 if such difference does not exceed \$35, or by \$2 if such difference is more than \$35. Wages received by an individual in the period intervening between the end of his last base period and the beginning of his last benefit year shall not be available for benefit purposes in a subsequent benefit year unless he has, subsequent to the commencement of such last benefit year, performed services for which he received wages for employment as defined in this subchapter, in an amount equal to at least 10 times the weekly benefit amount for which he qualifies in such last benefit year. Benefits payable to an individual with respect to a week shall be reduced, under regulations prescribed by the Board, by any amount received or applied for with respect to such week as a retirement pension or annuity under a public or private retirement plan or system provided, or contributed to, by any base period employer; except that no reduction shall be made under this sentence for any amount received under title II of the Social Security Act. For benefit years beginning on or after July 1, 2004, benefits payable to an individual who applied for or is receiving a retirement pension or annuity under a public or private retirement plan or system provided or contributed to by any base period employer shall, under duly prescribed regulations, be reduced (but not below zero) by the prorated weekly amount of such retirement pension or annuity which is reasonably attributable to such week, provided that the claimant has not made contributions to the pension or annuity. An amount received with respect to a period other than a week shall be prorated by weeks. When an individual's weekly benefit amount is reduced by a pension, the individual's maximum weekly benefit amount shall be deducted from his total amount of benefits determined pursuant to subsection (d) of this section. Benefits payable to an individual with respect to a week shall be reduced by the amount of wages received in lieu of notice of dismissal, defined as dismissal payments that the employer is not legally required to make.

(d) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to 26 times his weekly benefit amount or 50% of the wages for employment paid to such individual by employers during his base period whichever is the lesser; provided, that the maximum duration of benefits determined on any initial claim made prior to March 15, 1983, shall continue to be 34 weeks during the benefit year to which the initial claim relates. Such total amount of benefits, if not a multiple of \$1, shall be computed to the next lower multiple of \$1.

(e) Any individual who is unemployed in any week as defined in § 51-101(5) and who meets the conditions of eligibility for benefits of § 51-109 and is not disqualified under the provisions of § 51-110 shall be paid with respect to such

week an amount equal to the individual's weekly benefit amount less any earnings payable to the individual with respect to such week deductible in accordance with the following formula: \$20 will be added to the weekly benefit amount; from the resulting sum will be subtracted 80% of any earnings payable to the individual for such week. The resulting benefits, if not a multiple of \$1, shall be computed to the next lower multiple of \$1. In no event shall the amount paid for any week exceed the individual's established weekly benefit amount.

(f) In addition to the benefits payable under the foregoing subsections of this section, each eligible individual who is unemployed in any week shall be paid with respect to such week \$5 for each dependent relative, but not more than \$20 shall be paid to an individual as dependent's allowance with respect to any 1 week of unemployment nor shall any weekly benefit which includes a dependent's allowance be paid in the amount of more than the established maximum benefit amount. An individual's number of dependents shall be determined as of the day with respect to which he first files a valid claim for benefits in any benefit year, and shall be fixed for the duration of such benefit year. The dependent's allowance is not to be taken into consideration in calculating the claimant's total amount of benefits in subsection (d) of this section; provided, however, that this section shall not apply to claims for benefit years commencing on or after January 5, 1997.

(f-1) For claims for benefit years commencing after August 9, 2009, and before January 1, 2011, in addition to benefits payable under subsections (a) through (e) of this section, each eligible individual who is unemployed in any week shall be paid with respect to that week \$15 for each dependent relative, but no more than \$50 or $\frac{1}{2}$ of the individual's weekly benefit amount, whichever is less, with respect to any 1 week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual account of an employer. The number of dependents of an individual shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of the benefit year. The dependent's allowance shall not be taken into consideration in the total amount of benefits calculated pursuant to subsection (d) of this section.

(g) Notwithstanding any other provisions of this section, this subsection provides a program of extended benefits on and after January 1, 1972.

(1) As used in this subsection, unless the context clearly requires otherwise:

(A) "Extended benefit period" means a period which:

(i) Begins with the third week after a week in which a state "on" indicator occurs; and

(ii) Ends with either of the following weeks, whichever occurs later:

(I) The third week after the first week for which there is a state "off" indicator; or

(II) The 13th consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the 14th week following the end of a prior extended benefit period which was in effect with respect to the District.

(B) For weeks commencing after September 25, 1982, there is a state “on” indicator for the District for a week if the rate of insured unemployment under this subchapter for the period consisting of such week and the immediately preceding 12 weeks:

(i) Equaled or exceeded 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and

(ii) Equaled or exceeded 5%; provided, that with respect to benefits for weeks of unemployment beginning on September 26, 1982, the determination of whether there is a state “on” or “off” indicator beginning or ending any extended benefit period shall be made under this subsection as if:

(I) This subparagraph did not contain sub-subparagraph (i) thereof; and

(II) The figure “5” contained in sub-subparagraph (ii) thereof was “6”: except, that notwithstanding any such provision of this subsection any week for which there would otherwise be a state “on” indicator shall continue to be such a week and shall not be determined to be a week for which there is a state “off” indicator.

(C) There is a state “off” indicator for the District for a week if, for the period consisting of that week and the immediately preceding 12 weeks, either sub-subparagraph (i) or (ii) of subparagraph (B) of this paragraph was not satisfied.

(D) “Rate of insured unemployment”, for purposes of subparagraphs (B) and (C) of this paragraph, means the percentage derived by dividing: (i) the average weekly number of individuals filing claims for regular benefits in the District for weeks of unemployment with respect to the most recent 13-consecutive-week period as determined on the basis of reports to the Secretary of Labor, by (ii) the average monthly employment covered under this subchapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

(E) “Regular benefits” means benefits payable to an individual under this subchapter or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to Chapter 85 of Title 5, United States Code) other than extended benefits.

(F) “Extended benefits” means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to Chapter 85 of Title 5, United States Code) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

(G) “Eligibility period” of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within the extended period, any weeks thereafter which begin in a period.

(H) “Exhaustee” means an individual who, with respect to any week of unemployment in his eligibility period:

(i) Has received, prior to such a week, all of the regular benefits that were available to him under this subchapter or any state law (including dependents’ allowances and benefits payable to federal civilian employees and

ex-servicemen under Chapter 85 of Title 5, United States Code) in his current benefit year that includes such a week; provided, that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefits year, he may subsequently be determined to be entitled to added regular benefits; or

(ii) His benefit year having expired prior to such a week, has no, or insufficient wages on the basis of which he established a new benefit year that would include such a week; and

(iii)(I) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations issued by the Secretary of Labor; and

(II) Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

(I) “State law” means the unemployment insurance law of any state, approved by the Secretary of Labor under § 3304 of the Internal Revenue Code of 1954.

(J) The provisions of subparagraphs (A)-(G) of this paragraph shall not apply to any time these provisions are suspended temporarily or permanently by federal law. If these provisions are suspended by federal law, the provisions of this subchapter which apply to claims for and the payment of regular benefits shall apply to claims for and the payment of extended benefits.

(K)(i) For weeks of unemployment commencing March 15, 2009, there is a state “on” indicator if:

(I) The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the 3 most recent months for which data for all states are published before the close of any such week equals or exceeds 6.5%; and

(II) The average rate of total unemployment in the District (seasonally adjusted), as determined by the United States Secretary of Labor, for the 3 months referred to in sub-sub-subparagraph (I) of this sub-subparagraph equals or exceeds 110% of such average rate for either of the corresponding 3-month periods ending in the 2 preceding calendar years.

(ii) There is a state “off” indicator pursuant to this subparagraph for weeks of unemployment commencing December 6, 2009, or such other week as the Congress may specify in any subsequent amendment to section 2005 of the Assistance for Unemployed Workers and Struggling Families Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 436).

(L)(i) For weeks of unemployment commencing March 15, 2009, there is a state high unemployment period “on” indicator if the total unemployment insurance rate as established in subparagraph (K) of this paragraph equals or exceeds 8%.

(ii) Notwithstanding the provisions of paragraph 5(A) of this subsection, the total unemployment extended benefit amount payable to any individual pursuant to this subparagraph shall be the least of the following amounts:

(I) Eighty percent of the total amount of regular benefits (including any applicable dependents' allowance) that were payable to the individual under this subchapter in the individual's applicable benefit year;

(II) Twenty times the individual's weekly benefit amount (including any applicable dependents' allowance) which was payable to the individual under this subchapter for a week of total unemployment in the applicable benefit year; or

(III) Forty-six times the individual's weekly benefit amount (including any applicable dependents allowances) for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits that were paid (or deemed paid) to the individual under this subchapter with respect to the benefit year.

(iii) There is a state "off" indicator pursuant to this subparagraph for weeks of unemployment commencing December 6, 2009, or such other week as the Congress may specify in any subsequent amendment to section 2005 of the Assistance for Unemployed Workers and Struggling Families Act of 2009, approved February 17, 2009 (Pub. L. No. 111-5; 123 Stat. 436).

(2) Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the Board, the provisions of this subchapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(3) An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the Director finds that with respect to such week:

(A) He is an "exhaustee" as defined in paragraph (1)(H) of this subsection;

(B) He has satisfied the requirements of this subchapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits; and

(C) Notwithstanding any other provisions of this paragraph, an individual shall not be eligible for extended benefits if his monetary eligibility for regular benefits was based upon the total base period wages that did not exceed his highest quarterly wages by at least 1½ times.

(4) The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly basic or augmented benefit amount, whichever is appropriate, payable to him during his applicable benefit year.

(5)(A) The total extended benefit amount payable to any eligible individual with respect to his applicable year shall be the least of the following amounts:

(i) Fifty percent of the total amount of regular benefits (including dependents' allowances) which were payable to him under this subchapter in his applicable benefit year;

(ii) Thirteen times his weekly benefit amount (including dependents' allowances) which was payable to him under this subchapter for a week of total unemployment in the applicable benefit year; or

(iii) Thirty-nine times his weekly benefit amount (including dependents' allowances) which was payable to him under this subchapter for a week of total unemployment in the applicable benefit year, reduced by the total amount of regular benefits which were paid (or deemed paid) to him under this subchapter with respect to the benefit year.

(B) For purposes of this paragraph, the total regular benefit amount shall be that amount (including dependents' allowances) provided in the individual's monetary determination or the amount of regular benefits (including dependents' allowances) actually received, whichever is the greater.

(C) Notwithstanding any other provisions of this paragraph, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such an individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(6)(A) Whenever an extended benefit period is to become effective in the District (or in all states) as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in the District as a result of state and national "off" indicators, the Director shall make an appropriate public announcement as provided in the regulations of the Board.

(B) Computations required by the provisions of paragraph (1)(F) of this subsection shall be made by the Director in accordance with regulations prescribed by the Secretary of Labor.

(7)(A) In weeks commencing after June 30, 1981, except as provided in subparagraph (B) of this paragraph, an individual shall not be eligible for extended benefits for such week if:

(i) Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate payment plan; and

(ii) No extended benefit period is in effect for such week in such state.

(B) Subparagraph (A) of this paragraph shall not apply with respect to the first 2 weeks for which extended benefits are payable (as determined without regard to this paragraph) pursuant to an interstate benefit payment plan to the individual with respect to the benefit year.

(8)(A) Notwithstanding the provisions of subparagraph (B) of this paragraph, an individual shall be ineligible for payment of extended benefits for any week of unemployment commencing after March 31, 1981, in his eligibility period if the Director finds that during such period:

(i) He failed to accept any offer of suitable work (as defined under subparagraph (C) of this paragraph) or failed to apply for any suitable work to which he was referred by the Director; or

(ii) He failed to actively engage in seeking work as prescribed under subparagraph (E) of this paragraph.

(B) Any individual who has been found ineligible for extended benefits by reason of the provisions in subparagraph (A) of this paragraph shall also be denied benefits beginning with the first day of the week following the week in which such failure occurred and until he has been employed in each of 10 subsequent weeks (whether or not consecutive) and has earned remuneration equal to not less than 10 times the extended weekly benefit amount.

(C) For purposes of this paragraph, the term "suitable work" means, with respect to any individual, any work which is within such individual's capabilities; provided, that the gross average weekly remuneration payable for the work must:

(i) Exceed the sum of:

(I) The individual's extended weekly benefit amount as determined under paragraph (4) of this subsection plus;

(II) The amount, if any, of supplemental unemployment benefits (as defined in 26 U.S.C. § 501(c)(17)(D)) payable to such individual for such week; and

(ii) Pay wages not less than the higher of:

(I) The minimum wage provided by 29 U.S.C. § 206 without regard to any exemption; or

(II) The applicable state or local minimum wage; provided, further, that no individual shall be denied extended benefits for failure to accept an offer of suitable work or apply for any job which meets the definition of suitability as described above if:

(aa) The position was not offered to such individual in writing or was not listed with the employment service;

(bb) Such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants in § 51-110(c) to the extent that the criteria of suitability in that section are not inconsistent with the provisions of this subparagraph; or

(cc) The individual furnishes satisfactory evidence to the Director that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such individual shall be made in accordance with the definition of suitable work for regular benefit claimants in § 51-110(c) without regard to the definition specified by this subparagraph.

(D) Notwithstanding the provisions of subparagraph (B) of this paragraph to the contrary, no work shall be deemed to be suitable work for an individual which does not accord with the labor standard provisions required by 26 U.S.C. § 3304(a)(5) and set forth under § 51-110(d)(1).

(E) For the purposes of subparagraph (A)(i) of this paragraph, an individual shall be treated as actively engaged in seeking work during any week if:

(i) The individual has engaged in a systematic and sustained effort to obtain work during such week; and

(ii) The individual furnishes tangible evidence that he has engaged in such effort during such week.

(F) The employment service shall refer any claimant entitled to extended benefits under this section to any suitable work which meets the criteria prescribed in subparagraph (C) of this paragraph.

(G) An individual shall not be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period if such individual has been disqualified for regular benefits or extended benefits under this section because the individual voluntarily left his most recent work without good cause connected with the work, was discharged for misconduct, or failed to accept an offer of or apply for suitable work, unless such individual has returned to work, has been employed at least 10 weeks, and has earned an amount equal to or greater than 10 times his weekly benefit.

(H) During the extended benefit period, the eligibility requirements of this paragraph shall also apply to those weeks of benefits for which sharable compensation is payable under the terms of 26 U.S.C. § 3304.

(h) Effective October 1, 1983, in the calculation of an individual's weekly benefit amount, all amounts shall be rounded down to the next lower dollar.

(i) Repealed.

(Aug. 28, 1935, 49 Stat. 949, ch. 794, § 8; July 2, 1940, 54 Stat. 732, ch. 524, § 1; renumbered § 7, June 4, 1943, 57 Stat. 112, ch. 117, § 1; Aug. 31, 1954, 68 Stat. 993, ch. 1139, § 1; Mar. 30, 1962, 76 Stat. 48, Pub. L. 87-424, §§ 5, 6, 7; Dec. 22, 1971, 85 Stat. 768, Pub. L. 92-211, § 2(35)-(37); May 13, 1975, D.C. Law 1-2, § 1(2), 21 DCR 3941; Mar. 3, 1979, D.C. Law 2-129, § 2(s)-(v), 25 DCR 2451; Sept. 16, 1980, D.C. Law 3-102, § 7, 27 DCR 3630; Feb. 4, 1982, D.C. Law 4-64, § 2, 28 DCR 4936; Mar. 16, 1982, D.C. Law 4-86, § 2(d), 29 DCR 429; Sept. 17, 1982, D.C. Law 4-147, § 2(f), (g), 29 DCR 3347; May 7, 1983, D.C. Law 5-3, § 2(k)-(o), 30 DCR 1371; Aug. 2, 1983, D.C. Law 5-24, § 8, 30 DCR 3341; Aug. 10, 1984, D.C. Law 5-102, § 2(c)-(e), 31 DCR 2902; Mar. 13, 1985, D.C. Law 5-124, § 2(d), 31 DCR 5165; Mar. 14, 1985, D.C. Law 5-159, § 7, 32 DCR 30; Mar. 16, 1988, D.C. Law 7-91, § 2(b), 35 DCR 712; Feb. 5, 1994, D.C. Law 10-68, § 40(b), 40 DCR 6311; May 16, 1995, D.C. Law 10-255, § 49(a), 41 DCR 5193; Apr. 9, 1997, D.C. Law 11-255, § 52(a), 44 DCR 1271; Mar. 26, 1999, D.C. Law 12-175, § 202(b), (c), 45 DCR 7193; Apr. 20, 1999, D.C. Law 12-261, § 4002(a), 46 DCR 3142; Apr. 5, 2005, D.C. Law 15-282, § 2, 52 DCR 849; Apr. 12, 2005, D.C. Law 15-325, § 2, 52 DCR 851; Apr. 13, 2005, D.C. Law 15-354, § 101, 52 DCR 2638; Mar. 2, 2007, D.C. Law 16-191, § 90, 54 DCR 6794; Dec. 17, 2009, D.C. Law 18-95, § 2, 56 DCR 8524; July 23, 2010, D.C. Law 18-192, § 2(a), 57 DCR 4500; Sept. 20, 2012, D.C. Law 19-168, § 2002(b), 59 DCR 8025.)

Section references. — This section is referenced in § 51-101, § 51-103, § 51-109, § 51-110, § 51-113, § 51-116, and § 51-177.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 repealed (i).

Emergency legislation.

For temporary (90 day) amendment of section, see § 2002(b) of Fiscal Year 2013 Budget

Support Emergency Act of 2012 (D.C. Act 19-383, June 19, 2012, 59 DCR 7764).

For temporary (90 day) amendment of section, see § 2002(b) of Fiscal Year 2013 Budget Support Congressional Review Emergency Act of 2012 (D.C. Act 19-413, July 25, 2012, 59 DCR 9290).

Legislative history of Law 19-168. — See note to § 51-103.

§ 51-109. Eligibility for benefits.

Section references. — This section is referenced in § 51-107, § 51-109.01, and § 51-110.

CASE NOTES

ANALYSIS

Voluntariness of resignation.
—In general.

Voluntariness of resignation.

— In general.

Unemployment compensation claimant, who voluntarily quit her job after employer cut her

hours, and thus her wages, by 25% and reduced her employee benefits, had burden to show that she acted as a reasonable and prudent person in the labor market would have done in the same circumstances, and appellate court could not accept uncritically claimant's conclusory testimony that the reduction in compensation created a hardship. *Consumer Action Network v. Tielman*, 2012 WL 3508521 (2012).

§ 51-110. Disqualification for benefits.

Section references. — This section is referenced in § 51-101, § 51-103, § 51-107, § 51-109, and § 51-111.

CASE NOTES

ANALYSIS

Findings and conclusions of law.

Misconduct of employee.

—Absence or tardiness, misconduct of employee.

Drug use, misconduct of employee.

—Employer rule violations, misconduct of employee.

Voluntary abandonment of employment.

—Good cause generally, voluntary abandonment of employment.

—Weight and sufficiency of evidence, voluntary abandonment of employment.

Findings and conclusions of law.

In proceeding denying terminated employee unemployment compensation, administrative law judge failed to make sufficiently specific findings as to either the standard of behavior that employee allegedly disregarded and how she disregarded it, or whether employee's non-compliance with the standard was knowing and intentional, which were necessary for a finding that employee was discharged for misconduct and was therefore ineligible for benefits. *Scott v. Behavioral Research Assocs.*, 43 A.3d 925, 2012 D.C. App. LEXIS 222 (2012).

Administrative law judge (ALJ) erred when she failed to include adequately in her calculus unemployment compensation claimant's uncontradicted testimony, and the documentary evidence supporting that testimony, relating to the circumstances of her absences and single tardiness, and therefore, ALJ's order, denying claim-

ant unemployment benefits, could not stand; ALJ disregarded claimant's uncontradicted testimony that she had flat tire while en route to work and that she had made extensive efforts to bring the problem to the employer's attention. *Hamilton v. Hojeij Branded Food, Inc.*, 41 A.3d 464, 2012 D.C. App. LEXIS 143 (2012).

Misconduct of employee.

— Absence or tardiness, misconduct of employee.

Although employer might reasonably have believed, in light of claimant's absences, that it would be to its economic advantage to replace her, such a belief did not automatically warrant the denial of unemployment compensation benefits, and instead, proof by the employer that claimant was fired for misconduct, either gross or simple, was required. *Hamilton v. Hojeij Branded Food, Inc.*, 41 A.3d 464, 2012 D.C. App. LEXIS 143 (2012).

Drug use, misconduct of employee.

Denial of the claimant's petition for unemployment compensation benefits by the office of administrative hearings was erroneous, as the employer did not meet its burden to prove misconduct, gross or simple, because it failed to establish that the claimant's conduct, use of marijuana off the employer's premises, had any connection to his employment. *Johnson v. So Others Might Eat, Inc.*, 53 A.3d 323, 2012 D.C. App. LEXIS 484 (2012).

— **Employer rule violations, misconduct of employee.**

Employee's failure to come in for an investigative interview within five days of reporting client-on-client abuse at residential facility for physically and mentally challenged individuals did not amount to gross misconduct precluding eligibility for unemployment compensation; employer did not present evidence that employee's failure to cooperate with its investigation was a repeat offense or that its business had suffered or in fact was threatened with grave consequences as a result of employee's conduct. *Scott v. Behavioral Research Assocs.*, 43 A.3d 925, 2012 D.C. App. LEXIS 222 (2012).

Voluntary abandonment of employment.

— **Good cause generally, voluntary abandonment of employment.**

Employee who voluntarily left job with temporary staffing firm did not show good cause in connection with her work for leaving the firm, and thus, she was ineligible for unemployment compensation, where employee left firm to join another competing firm because she preferred to remain at her current assignment rather than be transferred by original employer to another assignment. *Pyne v. MB Staffing Servs., LLC*, 39 A.3d 1258, 2012 D.C. App. LEXIS 128 (2012).

Claimant was eligible for unemployment benefits because she met the burden of showing that she quit her job with good cause connected to the work under this section; based on a test for undue verbal abuse, several instances of abuse had no connection to the claimant's job

performance. The claimant was a laundry manager, and she was subject to abuse due to washing machines breaking down and the loss of a cat. *Imperial Valet Servs. v. Alvarado*, 72 A.3d 165, 2013 D.C. App. LEXIS 414 (2013).

Appropriate test for undue verbal abuse calls upon administrative law judges to consider the totality of the circumstances, including whether the employer habitually hurled verbal insults at the employee, whether the insults were delivered in front of others, whether the employer's reproach was related to performance of the employee's job duties, and whether the employee attempted to address her employer or a supervisor about the abusive conduct. *Imperial Valet Servs. v. Alvarado*, 72 A.3d 165, 2013 D.C. App. LEXIS 414 (2013).

— **Weight and sufficiency of evidence, voluntary abandonment of employment.**

Substantial evidence supported administrative law judge's (ALJ) finding that unemployment compensation claimant quit due to the reduction in her wages and the decrease in employer's coverage of her health insurance premiums; both at the hearing before the ALJ and in her resignation letter, claimant explicitly cited the "reduction in hours" and the corresponding "25% drop in pay" as the reason for her departure, and she also mentioned the increased cost of her health insurance premiums, and claimant acknowledged that her work situation had been deteriorating for a while, but explained that having it now affect her finances as well as everything else just was the last straw. *Consumer Action Network v. Tielman*, 2012 WL 3508521 (2012).

§ 51-111. Determination of claims; hearing; appeal; witness fees.

(a) Claims for benefits shall be made in accordance with such regulations as the Director may prescribe. Each employer shall post and maintain in places readily accessible to individuals in his service printed statements concerning such regulations or such other matters as the Director may by regulations prescribe. Each employer shall supply such individuals with copies of such printed statements or materials relating to claims for benefits as the Director may by regulation prescribe. Such printed statements or materials shall be supplied by the Director to each employer without cost to him.

(b) Promptly after an individual has filed a claim for benefits, an agent of the Director designated by it for such purpose shall make an initial determination with respect thereto which shall include a determination with respect to whether or not such benefit may be payable, and if payable, the week with respect to which payments will commence, the maximum duration thereof, and the weekly benefit amount, except that in any case in which the payment or denial of benefits will be determined by the provisions of § 51-110(e), the agent shall promptly transmit such claim to an appeal tribunal which shall make a

decision thereon after such investigation as it deems necessary, and after affording the parties opportunity for fair hearing in accordance with subsection (e) of this section, and the claimant and interested parties shall be given notice thereof and permitted to appeal therefrom to the Director and the courts as is provided in this subchapter for notice of, and appeals from, decisions of appeal tribunals. An initial determination may, for good cause, be reconsidered. The claimant and other parties to the proceedings shall be promptly notified of the initial determination or any amended determination and the reasons therefor. Benefits shall be denied or, if the claimant is otherwise eligible, paid promptly in accordance with such initial determination except as hereinafter otherwise provided. The Director shall promptly notify the claimant and any party to the proceeding of its determination, and such determination shall be final within 15 calendar days after the mailing of notice thereof to the party's last-known address or in the absence of such mailing, within 15 calendar days of actual delivery of such notice. The 15-day appeal period may be extended if the claimant or any party to the proceeding shows excusable neglect or good cause. The exception for good cause or excusable neglect shall apply to all claims pending on July 23, 2010, including those in which an appeal has been filed in the Office of Administrative Hearings or in which a petition for review has been filed in the District of Columbia Court of Appeals. If an appeal tribunal affirms an initial determination allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken. If, subsequent to such initial determination, benefits with respect to any week for which a claim has been filed are denied for reasons other than matters included in the initial determination, the claimant shall be promptly notified of the denial and the reasons therefor, and may appeal therefrom in accordance with the procedure herein described for appeals from initial determinations.

(c) To hear and decide appealed claims, the Director shall appoint 1 or more appeal tribunals to hold hearings in accordance with regulations prescribed by the Director at which all parties shall be given opportunity to present evidence and to be heard. In the conduct of such hearings, the parties shall not be bound by common law or statutory rules of evidence or other technical rules of procedure, but the appeal tribunal shall use due diligence to ascertain the true facts of the case.

(d) Each appeal tribunal shall consist of either an examiner regularly employed by the Director on a salaried basis or a body composed of an examiner who shall act as chairman, and, without regard to the civil service laws otherwise applicable, of 1 representative of employees and 1 representative of employers, each designated by the Director. No representative shall be regularly employed by the Director, nor shall any person acting in any case on behalf of the Director have any interest, direct or indirect, in the case. In no case shall the hearings proceed unless the examiner designated as a member of an appeal tribunal is present; and if either or both of such representatives fail to appear for any such hearings or are disqualified from participating in any such hearings, the examiner shall proceed to hear the case; provided, that the Director may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. Each such representative shall be

paid for each day on which he actively engaged or was present and prepared to engage in the conduct of any such hearings, such sums, not in excess of \$10, as the Director shall by regulation prescribe.

(e) An appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall, unless such appeal is withdrawn, affirm or modify the finding of facts and the initial determination. The parties shall be duly notified of the decision of such appeal tribunal, together with the reasons therefor. The Director, under regulations prescribed by the Director, may permit further appeal by any party or may, upon the Director's own motion, affirm, reverse, or modify the decision of the appeal tribunal or may set it aside and order a rehearing or the taking of additional evidence before the same or a different appeal tribunal. Unless a petition for such appeal is filed within 10 days of mailing of the decision of an appeal tribunal, or within such 10-day period the Director has taken action on the Director's own motion in accordance with the provisions of this subsection, the decision of the appeal tribunal shall constitute the decision of the Director and shall be effective as such. Any decision of an appeal tribunal which is not so modified or so appealed within such 10-day period is final for all purposes, except as provided in § 51-112, and is not subject to review by the Office of the Inspector General. All decisions rendered by the Director affirming, reversing, or modifying any decision of an appeal tribunal shall become effective immediately, unless the Director shall otherwise order, and are not subject to review by the Office of the Inspector General.

(f) A full and complete record shall be kept of all proceedings in connection with an appealed claim. All testimony at every hearing on any such claim shall be taken down by a stenographer or recording device, but shall not be transcribed except upon order of the Director or in the event of an appeal pursuant to § 51-112. Upon any such appeal, a copy of all the testimony and of the findings of fact upon which the Director's decision was based shall be filed with the court, and the facts so found shall, if supported by evidence, be binding on the court.

(g) Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the Director. Such fees shall be deemed part of the expense of administering this subchapter.

(h) The Director shall establish and administer a Claimant-Employer Advocacy Fund, funded with monies collected as interest and penalty payments from employers due to their late filing of wage reports, late payment of employer contributions, and late payment of payments in lieu of contributions. The Fund shall be used exclusively to support the provision of assistance to and legal representation for claimants and employers involved in administrative appeals of claim determinations made by the Director. The Fund shall support the provision of such assistance and representation for claimants at the Metropolitan Washington Council, AFL-CIO and shall support the provision of such assistance and representation for employers at the D.C. Chamber of Commerce and at the Greater Washington Board of Trade. The total amount of funds which the Director provides from this Fund to the Metropolitan Washington Council, AFL-CIO, shall be twice the combined amount provided to the D.C. Chamber of Commerce and the Greater Washington Board of Trade.

(i) Testimony in hearings arising under this subchapter may be given and received by telephone.

(j) Any finding of fact or law, determination, judgment, conclusion, or final order made by a claims examiner, hearing officer, appeals examiner, the Director, or any other person having the power to make findings of fact or law in connection with any action or proceeding under this subchapter, shall not be conclusive or binding in any separate or subsequent action or proceeding between an individual and his present or prior employer brought before an arbitrator, court, or judge of the District of Columbia or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts.

(k)(1) Notwithstanding any other provision of this subchapter, all correspondence, notices, determinations, or decisions required for the administration of this subchapter may be transmitted to claimants, employers, or necessary parties by electronic mail or other means of communication as the claimant, employer, or necessary party may select from the alternative methods of communication approved by the Director. The Director shall issue a list of such approved methods of communication within 45 days of September 20, 2012.

(2) Notwithstanding any other provision of this subchapter, all correspondence, notices, determinations, or decisions issued by the Director may be signed by an electronic signature that complies with the requirements of § 28-4917 and Mayor's Order 2009-118, issued June 25, 2009.

(Aug. 28, 1935, 49 Stat. 951, ch. 794, § 12; renumbered § 11, June 4, 1943, 57 Stat. 116, ch. 117, § 1; Dec. 22, 1971, 85 Stat. 771, Pub. L. 92-211, § 2(40); Mar. 13, 1985, D.C. Law 5-124, § 2(g), 31 DCR 5165; Sept. 24, 1993, D.C. Law 10-15, §§ 107, 209, 40 DCR 5420; July 23, 2010, D.C. Law 18-192, § 2(c), 57 DCR 4500; Sept. 20, 2012, D.C. Law 19-168, § 2012, 59 DCR 8025.)

Section references. — This section is referenced in § 47-4431, § 51-101, § 51-103, and § 51-119.

Effect of amendments.

The 2012 amendment by D.C. Law 19-168 added (k).

Legislative history of Law 19-168. — See note to § 51-103.

§ 51-112. Review of Board's decision.

Any person aggrieved by the decision of the Director may seek review of such decision in the District of Columbia Court of Appeals in accordance with the District of Columbia Administrative Procedure Act.

(Aug. 28, 1935, 49 Stat. 953, ch. 794, § 13; renumbered § 12, June 25, 1936, 49 Stat. 1921, ch. 804; June 4, 1943, 57 Stat. 118, ch. 117, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 29, 1970, 84 Stat. 583, Pub. L. 91-358, title I, §§ 155(c)(44)(C), 163(j)(2); Dec. 7, 1974, 88 Stat. 1617, Pub. L. 93-515, title III, § 301(2); Sept. 24, 1993, D.C. Law 10-15, § 210, 40 DCR 5420.)

Section references. — This section is referenced in § 47-4431, § 51-111, and § 51-119.

§ 51-119. Penalties for false statements or representations.

(a) Whoever makes a false statement or representation knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment provided for in this subchapter or under an employment security law of any other state, of the federal government, or a foreign government for himself or any other individual, shall, for each such offense, be fined not more than \$100 or imprisoned not more than 60 days, or both.

(b) Any employing unit, and any officer or agent of any employing unit or any other person, who furnishes a false record or makes a false statement or representation, knowing it to be false, or who knowingly fails to disclose a material fact to avoid the payment of any or all of the contributions required of such employing unit under this subchapter, or to prevent or reduce the payment of benefits to any individual entitled thereto, or who fails or refuses to pay the contributions or other payment or to furnish any reports required of him under this subchapter, shall for each such offense be fined not more than \$1,000 or imprisoned not more than 6 months, or both. For purposes of this subsection an officer of a corporation charged with any duty required by this subchapter shall be personally liable to prosecution under this section.

(c) Any person who shall wilfully violate any provision of this subchapter or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this subchapter, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not more than \$200 or by imprisonment for not longer than 60 days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d)(1) Any person who has received any sum as benefits under this subchapter to which he is not entitled shall, in the discretion of the Director, be liable to repay such sum to the Director, to be redeposited in the Fund; be liable to have such sum deducted from any future benefits payable to him under this subchapter; or may have such sum waived in the discretion of the Director; provided, however, that no such recoupment from future benefits shall be had if such sum is received by such person without fault on his part and such recoupment would defeat the purpose of this subchapter or would be against equity and good conscience; or in the discretion of the Director such recoupment has been waived. In any case in which, under this subsection, a claimant is liable to repay to the Director any sum, such sum may be collected without interest, by civil action in the name of the Director or by the collection remedy set forth in § 47-1812.11(a) [repealed]. The disbursing officer and certifying officer of the Director shall not be held liable for any amounts certified or paid by them, in good faith, prior to July 25, 1958, or subsequent thereto, to any person where the refund, recoupment, adjustment, or recovery of such amount is waived under this subsection or where such refund, recoupment, adjust-

ment, or recovery under this subsection is not completed prior to the death of the person against whom such refund, recoupment, adjustment, or recovery has been authorized.

(2) The determination of whether a person has received any sum as benefits to which he is not entitled and the review to such a determination shall be made in accordance with §§ 51-111, 51-112, and this section.

(e)(1) Any person who the Director finds has made a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact to obtain or increase any benefit under this subchapter may be disqualified for benefits for all or part of the remainder of such benefit year and for a period of not more than 1 year commencing with the end of such benefit year. Such disqualification shall not affect benefits otherwise properly paid after the date of such fraud and prior to the date of the ruling of disqualification.

(2) All findings under this subsection shall be made by a claims deputy of the Director and such findings shall be subject to review in the same manner as all other disqualifications made by a claims deputy of the Director.

(3) Beginning on October 1, 2013, at the time the Director determines an erroneous payment was made to an individual due to fraud committed by such individual, the Director shall assess a penalty on the individual in an amount of 15% of the amount of the erroneous payment. Penalties paid pursuant to this paragraph shall be deposited in the District Unemployment Fund, established by § 51-102. The penalty assessed by this paragraph shall not be deducted from any future benefits payable to claimant under this subchapter.

(f) In all cases where an employer subject to this subchapter makes an award of back pay to a claimant who has received benefits during the same period covered by the back pay award, the employer shall withhold an amount equal to the benefits paid from the back pay award and shall repay the amount to the Director, who shall deposit it in the Fund and credit the accounts of charged base period employers. If the employer does not comply with this subsection, the Director may treat the unrefunded amount as an unpaid contribution and collect it in the manner provided for collection of delinquent contributions.

(Aug. 28, 1935, 49 Stat. 956, ch. 794, § 20; renumbered § 19, June 4, 1943, 57 Stat. 123, ch. 117, § 1; Aug. 31, 1954, 68 Stat. 996, ch. 1139, § 1; July 25, 1958, 72 Stat. 417, Pub. L. 85-557, § 1; Mar. 3, 1979, D.C. Law 2-129, § 2(ff), 25 DCR 2451; Sept. 24, 1993, D.C. Law 10-15, §§ 111, 217, 302, 40 DCR 5420; May 16, 1995, D.C. Law 10-255, § 39(c), 41 DCR 5193; Dec. 24, 2013, D.C. Law 20-61, § 2022, 60 DCR 12472.)

Section references. — This section is referenced in § 47-4431.

Effect of amendments. — The 2013 amendment by D.C. Law 20-61 added (e)(3).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2022 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 (D.C. Act 20-130, July 30, 2013, 60 DCR 11384, 20 DCSTAT 1827).

For temporary (90 days) amendment of this section, see § 2022 of the Fiscal Year 2014 Budget Support Congressional Review Emergency Act of 2013 (D.C. Act 20-204, October 17, 2013, 60 DCR 15341, 20 DCSTAT 2311).

Legislative history of Law 20-61. — See note to § 51-103.

Short title. — Section 2021 of D.C. Law 20-61 provided that Subtitle C of Title II of the

act may be cited as the “Unemployment Compensation Anti-Fraud Federal Conformity Amendment Act of 2013”.

Editor’s notes. — Applicability of D.C. Law

20-61: Section 11001 of D.C. Law 20-61 provided that, except as otherwise provided, the act shall apply as of October 1, 2013.

